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VITHALBHAI PATEL
— LIFE AND TIMES —

By
G. I. PATEL

VITHALBHAI PATEL

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BOOK TWO

FOREWORD BY

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BOOK TWO

Chapter Twenty-Three

SWARAJIST REVOLT

THE divided counsels of the Civil Disobedience Inquiry Committee sent the Congress workers into two camps at once. The orthodox followers of Gandhiji could hardly reconcile themselves to the policy of total obstruction from within the Councils. Har Dayal Nag, for instance, said: "Ours is a purity movement and as such it is above diplomacy. To enter the Council with the object of making it a failure is not only diplomacy, but it is also diplomatic duplicity, which every non-co-operator should disdain." On the other hand, the *Mahratta* said: "Although there is a tie in respect of Council-entry among the members, the names of Pandit Motilalji and Hakim Saheb on the side of Mr. V. J. Patel constitute a considerably big asset. People will be surprised to see Motilalji and Hakim Saheb standing in favour of Councils, but that is the only conclusion to which every right thinking, unbiased and sensible man must come after serious deliberation." In between, came several other important men and organs of public opinion. Abbas Tyabji said: "At the end of two years of Non-co-operation we are practically told by four (obviously he included Das among them) of our great leaders that we have failed to understand what real Non-co-operation means. I suppose some of us are too old, and some too young, to understand — not what Non-co-operation stands for, but the reasoning of the brilliant lawyers who have set themselves to prove to an astonished world that you can have both light and darkness in a room at an identical moment. ... All that our great leader, Deshabandhu Das, says in justification of Hakim Saheb, Pandit Motilal and our very astute friend, Vithalbhai Patel's taking the bit between their teeth and galloping through the fence of Non-co-operation is, in the opinion of the majority in Gujarat, mere camouflage." But he adds: "The Congress is big enough to hold within its fold even such

men as are hypnotized by the suggestion of the great possibilities of what Deshabandhu calls 'Non-co-operation from within the Councils.' Let such men gang their own way." Rajendra Prasad said: "It is clear that there is a difference of opinion, not only among the members of the Committee, but in the whole country. An unanimity is difficult, if not impossible"; and adds: "No one should show intolerance. It is not a matter of personal pique or difference. On both sides are great well-wishers and self-sacrificing servants of the country. ... It appears that Hakim Saheb and Panditji were in the beginning opposed to Council-entry, but later on, after mature consideration, they have changed their views. For this very reason their opinion deserves to be considered with greater respect." K. Natrajan wrote as follows in the *Bombay Chronicle*: "As between the two sections of opinion in the Report of the Civil Disobedience Enquiry Committee on the question of entry into the Legislative Councils, I unhesitatingly agree with Mr. Kasturi Ranga Iyengar, Dr. Ansari and Mr. Rajagopalachariyar, in holding that it is both wrong and impracticable to enter the Councils with no object but to obstruct and destroy. What is even more deplorable, to my mind, is that by lending the weight of their names to this suggestion, which lacks in political decency, Messrs. Das and Motilal, and the Hakim Saheb, most of all, have gone far to destroy the moral prestige which Mahatma Gandhi had secured for his movement and which was its most valuable asset in the eyes of thinking men all over the world. This sudden descent from political idealism to crass Parnellism (Natrajan probably had a talk with Vithalbhai), is a terrible shock to the movement."

Jayakar agreed with the pro-changers in their recommendation that the boycott against the Councils should be removed, but he did not accept their recommendation that the Nationalists should enter the Councils for the sole and avowed purpose of wrecking the Reforms. In an interview, which he gave to a representative of the *Bombay Chronicle*, Jinnah said: "In order to understand the Report, you have to go into the genesis of the Non-co-operation movement. The people of India had sufficient provocation, and they were undoubtedly driven to desperation by the policy of the Government with regard to what is

known as the Punjab-Khilafat-and-Swarajya question but the programme of Non-co-operation adopted at the Calcutta Special Congress and confirmed at Nagpur was considered by many as unwise, unsound and not practical. The authors of the movement undoubtedly aimed at paralysing the administration of the Government. The movement in essence was planned for direct political action by the masses.... The principle of Non-co-operation is very much like the Sinn Fein movement in Ireland." Jinnah was opposed to the laying down of any hard and fast programme for those who could enter the Councils. He would have left it 'to the wisdom and good sense of the men who will be duly returned as representatives of the people to adopt such course as they may think, under the circumstances, necessary and proper.' He was sure that the work of the legislation could be made impossible if the wishes of the Councils were totally disregarded. Prakasam thought that entry into the Councils at that juncture was 'national suicide.' The *Bombay Chronicle* believed that to enter the Councils would 'not be a change of tactics, but a violation of principle.' The *Bengalee* opined that the hope of non-co-operators coming in a large majority into the Councils was unfounded, and that it was impossible to wreck the reforms in any circumstances. The *Leader* held that the Report lacked frankness and courage, and abounded in self-deception and self-glorification and an utterly one-sided presentation of facts. The *Independent* whole-heartedly approved of the pro-change policy, as the second best — the first best — that of mass Civil Disobedience — being out of the question. The *Tribune* held that a policy of wholesale obstruction could be followed, if and when necessary, 'only when the vast majority of the constituencies are definitely with you, and when the process of obstruction is likely to extend over a comparatively short period', and doubted whether that policy could succeed in the circumstances that actually obtained.

The situation boiled down to this that there were actually four camps — and not two only — among the Congressmen of the day: (1) No-changers who were against total obstruction from within the Councils, because such an obstruction would, they thought, destroy the purity of Non-co-operation as they

conceived it to be; (2) No-changers who thought that all talk about total obstruction from within the Councils was a mere camouflage, and that the policy of Council-entry was a real climb-down; (3) Pro-changers who would enter the Councils to make the best possible use of them — particularly for constructive work; and (4) Pro-changers, like Vithalbhαι, Das, Motilalji and Hakim Saheb, who would support Council-entry, because, in the absence of the possibility of mass Civil Disobedience, total obstruction from within the Councils was the only feasible method of Non-co-operation available to Congressmen at the time.

Parliamentary obstruction, such as Vithalbhαι was keen on trying in the Indian Councils, it may be frankly admitted, was not indigenous to India. It was an exotic imported from Ireland. But this was not the only idea that flowed to India from Ireland. The term 'Home Rule' made so popular by Mrs. Besant and Lokmanya Tilak, was actually invented by a Trinity professor, and the first 'Home Rule Association' of Ireland had met in the spring of 1876 in Dublin to protest against legislative union with Great Britain. Like the ideal of the Home Rule Leaguers of India which appealed to different strata of the Indian people for different reasons, the Irish 'Home Rule' had satisfied the aspirations of the Whig gentry and Tory patriots, while at the same time it held out hopes to the Fenians of a future Irish Republic. The word 'boycott' also comes from Ireland, and was originally the name of a certain Captain Boycott, an agent of one Lord Erne of Ireland. Captain Boycott was a hard task-master, who often refusing to grant any reductions of rent, threatened his tenants with eviction. It was in 1880 that Parnell, speaking at one of the Land League meetings, had said: "When a man takes a farm from which another has been evicted, you must show him on the roadside when you meet him, you must show him in the the streets of the town, you must show him in the fair and the market-place and even in the house of worship, by leaving him severely alone. By putting him into a moral Coventry, by isolating him from his kind as if he were a leper of old, you must show him your detestation of the crime he has committed, and you may depend upon it that there will be no man so full of avarice, so lost to shame, as to dare the public

opinion of all right-thinking men and to transgress your unwritten code of laws." Captain Boycott was the first victim of this moral Coventry. His servants and farm labourers were terrorised into leaving his service, the tradesmen were forbidden to sell him goods, and the very postmen were cautioned not to deliver his letters. Of course this word has travelled far beyond its original meaning, but all this additional meaning also was originally given to this word in Ireland. It is interesting to note that even the word 'Swaraj', which in its purer and correct form — 'Swarajya' — is found frequently enough in the Maratha *Bakhars*, and is undoubtedly an indigenous word, has an undeniable family likeness to the words 'Sinn Fein' which mean 'ourselves alone'. It is interesting to note that Sinn Fein emerged into the arena of Irish Party politics in 1906, and it was the 1906 Congress, with Dadabhai Nowrojee as the President, which adopted Swaraj as our goal. If in their repressive policy, the British bureaucracy modelled their conduct on the experience England had in Ireland, the Indian Nationalists also closely followed the lines of the Irish agitators. Along with, and in the place of physical force, pure and simple, Passive Resistance, Non-co-operation and Civil Disobedience had been practised in one form or another, not only in Ireland but elsewhere also. Perhaps non-violence, as Gandhiji conceived it and to the extent to which he carried it, was India's contribution to the political armoury. Even non-violence, however, not as a spiritual but as a political weapon, was not unknown in Ireland. Sinn Fein itself had, in contrast with the Irish National movements of '48 and '67, disdained the use of physical force for the attainment of its ends. For while Sinn Fein 'held as a matter of abstract political ethics that a nation subjugated against its will by another nation is justified in regaining its independence, if it can do so, by any means at its disposal, including force, yet as a matter of practical Irish politics, *it renounced the use of force unequivocally.*' It is on account of this policy of theirs that the old Fenians, who were a party of Irish revolutionaries in America looked down on the whole of Sinn Fein politics. The Fenians had their counterpart in our so-called Anarchists of Bengal, Maharashtra and the Punjab, who were, in fact, Revolutionaries or Terrorists of a type.

While the boycott of Councils approximated to the policy of the Sinn Fein Party which held, in opposition to the Irish Parliamentarians, that 'for Ireland to send representatives to Westminster was to acknowledge the validity of the Act of Union and virtually to deny the Irish claim to an independent legislature', the policy of total obstruction advocated by Vithalbhai and Das was based on what is known in political parlance as Parnellism. While it is undoubtedly true that it was Charles Stewart Parnell who perfected this potent parliamentary political weapon, it has at the same time to be admitted that it had a long and distinguished pedigree (who can ignore the Cromwellian obstruction in the then House of Commons?), before Parnell began to flourish it, to the delectation of his Irish followers and to the utter discomfiture of the English enemies of Ireland. Such eminent Parliamentarians as Burke, Sheridan, and Gladstone, as also Joseph Chamberlain and Randolph Churchill had resorted to these tactics, not to say anything of the several lesser luminaries of the British House of Commons. Parnell only made a regular science of this method which has since been known as 'Parliamentary obstruction.' He entered the House of Commons on the 22nd of April, 1875. On that very day, Joseph Gilles Biggar, who later became one of his party of seven and gave him 'his first lessons in parliamentary tactics', tried his first experiment in obstruction. For over a year Parnell had been content to remain a mere spectator in the House of Commons. "He would wander through the passages and lobbies, stopping his colleagues to ask them some simple question on parliamentary procedure. He was never ashamed to ask for information, though in later years he confessed to a young member that 'the only way to learn the rules of the House, is by breaking them.' " Issac Butt was then the leader of the Irish Party in the House. He 'was far too gentlemanly and conciliatory in his methods.' 'Joseph Biggar was the only one who distinguished himself from his colleagues by his total disregard for etiquette and rules.' 'He had entered the Imperial Parliament merely to show how much mischief he could do there.' If English members refused to take an interest in Irish affairs, Irish members should retaliate *by holding up Government bills*. By interfering in British legislation they could show that,

even if they were not strong enough to get their own bills passed, they were still able to obstruct the business of the House. So long before, as the fifties, John Henry Moore, a Mayo landlord and a champion of Tenant Rights, had used obstruction as an effective weapon, and it was Joseph Ronayne, a Young Ireland veteran and witness of Moore's successful tactics, who taught Biggar how to proceed on the same lines.' On the day on which Parnell took his seat in the Commons, Biggar had held up Disraeli's Coercion Bill for hours, wading through statutes, blue-books and newspapers, occasionally digressing on some totally irrelevant subject and exasperating the House in every possible way. This was his first experiment in obstruction. On another occasion he took advantage of an almost obsolete privilege to have the galleries cleared, because of his objection to the presence of strangers. He chose to 'espy strangers' at the moment when the Prince of Wales was listening to a debate. It was from this man that Parnell took his first lessons in obstruction. The Mutiny Bill of 1877 gave him his first big opportunity. His methods of obstruction, at the beginning were what he called 'Biggar's four gospels': "To work only in Government time, to aid anybody to spend Government time. Whenever you see a bill, block it; whenever you see a raw, rub it." Isaac Butt disapproved of this policy of obstruction as calculated 'to alienate from us our truest and our best English friends'. He added: "It must expose us to the taunts of being unfit to administer even the forms of representative Government, and even of discrediting and damaging every movement we make. ... We have the duty of maintaining before the civilised world the dignity of the Irish nation and the Irish cause." Does not this sound like the view of a typical Liberal leader of India? And here is Parnell's rejoinder to Butt: "I cannot sympathise with your conclusions as to my duty towards the House of Commons. If Englishmen insist on the artificial maintenance of an antiquated institution which can only perform a portion of its functions by the 'connivances' of those interested within its working, in the imperfect and defective performance of much of even that portion — if the continued working of this institution is consistently attended (associated) with much wrong and hardship to my country, as frequently it has been the source of gross cruelty and

tyranny, I cannot consider it my duty to connive in the imperfect performance of these functions, while I should certainly not think of obstructing any useful, solid or well-performed work." This was the parting of the ways between Parnell on one side and Issac Butt and the moderate Home Rulers on the other. Parnell's own following consisted of seven able and daring lieutenants, who delighted in incurring the displeasure of the House. Parnell obstructed the passage of the Mutiny and the Prison Bills not only for the sake of blocking those Bills, but also because of a genuine desire to mitigate their severity. Parnell's obstruction to the South Africa Bill was the most formidable. It was during the debate on that Bill that he said: "As it was with Ireland, so it is with the South African Colonies; yet Irish members are asked to assist the Government in carrying out their selfish and inconsiderate policy. Therefore as an Irishman, coming from a country that has experienced to its fullest extent the results of English interference in its affairs and the consequences of English cruelty and tyranny, I feel a special satisfaction in preventing and *thwarting the intentions* of the Government in respect of this Bill." In the confusion of the moment, 'thwarting the intentions' was misconstrued as 'thwarting the business of the House', and Parnell was declared out of order. The mistake was however soon discovered, and Parnell and Biggar, who had retired to the gallery returned to their places. Parnell and his small band of seven resolute men had set themselves out to prevent what they described as an 'act of rash legislation.' 'The House met at four o'clock in the afternoon and remained in Committee until six o'clock the following evening. For twenty-six hours, seven Irishmen held up the Bill until they were threatened with the penal powers of Parliament. Feeling ran high as the night dragged on, while members fumed in impotent rage at the unwritten laws of custom and tradition which prevented them from suppressing an insufferable minority. Sir Stafford Northcote and Sir William Harcourt joined forces in an impassioned attack on the Irish obstructionists; four successive chairmen were called in; Issac Butt was prevailed upon to denounce his colleagues, and from the Peers' Gallery Lord Beaconsfield looked down upon the wreck of his Parliament. Batches of members relieved each other at set

intervals, others snatched a few moments' sleep in the library and smoking-room, and crowds gathered round the refreshment bars, keeping up their strength with cups of strong coffee." Parnell 'remained all night at his post, and it was only late on the following morning that he retired for a few hours' rest to the Westminster Palace Hotel.' It was during this period of Parnell's absence from the House that Sir William Harcourt threatened the obstructionists with the penal powers of the House. They succumbed, because they were not prepared at the time for expulsion. When Parnell returned, he was annoyed to find what had happened, and turned to O'Connell, the most provocative and challenging of his group of seven, and muttered: "Why the devil did you hand down the flag?" and O'Connell replied: "My dear Parnell, go to the devil and enquire." Parnell disliked the House of Commons and enjoyed upsetting the Tory squires. His maxim was: "Punish and worry them, for an ounce of Parliamentary fear is worth a ton of Parliamentary love."

In the Session of 1878 the Government took up the question of obstruction, and appointed a Committee to inquire into the subject of public business. *Closure*, which effectively paralyses the liberties of the House had not yet been invented. Parnell was placed on this Committee, but when he drafted his report the other members refused to accept it. In the Parliamentary elections of 1880, Parnell came out triumphant with a solid block of 30 personal followers behind him. There was no longer any Isaac Butt of the moderate Home Rule League to interfere with him. Isaac Butt was dead, and the Irish Parliamentarians in their meeting of the 17th of May elected him as their leader as against Shaw by a majority of five votes. Before this election, in the spring of 1879, he had manoeuvred to get Chamberlain and even Bright, the radical liberal who hated him and looked upon him as one of 'those rascally Irishmen', to associate with him over the Army Regulation Bill, and help in the abolition of flogging in the army except in extreme cases where death was the only alternative. Now after the election, he, as head of the Irish Nationalists, as distinguished from Shaw and the other deserters who sat on the Liberal benches representing the moderate Home Rulers, allied himself with members of the fourth party, which

consisted of Randolph Churchill, Balfour, Henry Drummond Wolff and Gorst. Parnell stood in need of this association, as with his following of 30 only, he had not enough men to move the *adjournment of the House*, which was by far *the most effective form of obstruction*. 'The Parnellites and the fourth party supported one another, and a cynical onlooker could have found a certain amount of amusement in watching the son of a Tory Viceroy conspiring with the notorious agitator.'

Parnellite obstruction over Forster's Coercion Bill — The Protection for the Person and Property (Ireland) Bill of 1881 deserves a special mention, and may bear some repetition here. At the time, Parnell himself was undergoing a trial 'for conspiring against the Crown in preventing the payment of rent and the taking of farms from which the tenants had been evicted, for resisting the process of ejectment and creating ill-will among Her Majesty's subjects'. Of course he was duly acquitted, because not a single jury in Ireland could be brought to convict him, but obstruction had to begin and did begin before Parnell could himself attend the Parliament. The Irish members were pledged to oppose coercion to the bitter end. Due to their numerous amendments, the debate on the Queen's speech was drawn out during a fortnight. On the 25th of January, the very day on which Parnell was acquitted, Gladstone moved that the Coercion Bill should have precedence of all other business. "The Irish members offered such violent opposition that they kept the House sitting all through the night till two o'clock the following afternoon. In the early hours of the morning they were strengthened by the presence of their leader. He had crossed over from Ireland in a raging gale, and when the members on the Treasury Bench returned to their seats, after snatching a few hours' rest, they found the Hon'ble member for Cork (Parnell) sitting in his place, so elegant, bland and self-assured that it seemed hard to believe that only twenty-four hours had passed since he had stood in the dock accused of treason against the Crown." The battle over the Bill was a long, grim struggle. The Irish members were ordered to speak as often and for as long as they could. Their business was to obstruct and not merely to orate. On Monday, the 31st, the Government

declared their determination to close the debate on the motion for leave to introduce the Bill, but that night Parnell announced quite calmly that he would not allow a division to be taken — that it was to be a fight to a finish. During forty-one hours a handful of Irish members defied the united Liberal and Conservative forces. Wild tempest sweeping over the Irish Sea had prevented the sorely needed Nationalist members from rejoining their colleagues. It was at one o'clock on Tuesday morning, when Gladstone showed his determination to resist the usual Irish method of adjournment, that Parnell asked him, in the mildest of tones, to prove whether there was any urgency 'for this cruel, wicked, wretched and degrading measure.' Parnell was a consummate tactician. There was nothing to be gained by losing temper and he remained smiling but inexorable, courteous but adamant, the general of a small but highly disciplined army, where not a single man dared to disobey his orders and where every man had to speak even if he had nothing to say. By evening the Conservatives protested that the Speaker should put an end to this *wilful obstruction*. Then the Parnellites suddenly changed their tactics, and, after spending the best part of twenty-four hours in proposing motions for adjournment, they now proceeded to debate the main question with unflagging zeal. Then it was that the Speaker told Gladstone that he would put the question, in spite of obstruction on certain conditions, and thus the ancient liberties and privileges of Westminster were finally strangled by the iron hand of *Clôture*. But it was only at 9 o'clock on Wednesday morning, after Parnell had been forced to retire for a few hours' sleep and after Sexton, one of his followers, had achieved a *tour de force* by addressing a nearly empty House for over three hours that the Speaker announced his decision to close the discussion. While the Irish members were being forced to participate in the division, another of his followers, the Deputy Chairman of his party — McCarthy rallied his force, and all of them rose to their feet and shouted: 'Privilege! Privilege!' Then they marched out of the House in single file, and the motion was adopted without a single dissenting vote. Coming back after some time with Parnell at their head, they challenged the Speaker's right to assume arbitrary powers and

wasted the whole of Wednesday in motions of adjournment. On Thursday morning, they heard the news of the arrest of one of their friends — Michael Davitt. Dillon interrupted Gladstone who was proposing the new urgency resolutions about closure to ask questions about Davitt's arrest when he was 'named'. His refusal to leave the House until the Serjeant-at-arms had summoned a retinue of men to help in a forcible ejection was a signal for Parnell to commit a drastic action. As soon as Gladstone once more rose to proceed with the speech, he stood up and proposed: 'that the Right Hon'ble gentlemen be no longer heard'. He was of course 'named', for *wilful* obstruction, and when the division on his suspension was called, twenty-nine of his followers protested and refused to leave their seats to have their opinion tested in the lobbies. They were suspended *en bloc*. Adhering to his usual formal courtesy, Parnell made an elaborate bow to the Speaker before walking out of the House, but several of his followers insisted on a formidable display of force before they could be ousted from their seats. It was only when there was not a single Irish Nationalist in the House that Gladstone got his closure motion passed.

Parnell's attitude to Gladstone's Land Bill (so favourable to Ireland on the whole) is worth some notice. He knew that the Bill was safe, even without the support of his party. He therefore asked his followers to remain non-voting on the second reading of the Bill. A. M. Sullivan, one of his followers, but one who had been the first to protest against this attitude which he called a 'high-handed act on the part of our leader', afterwards admitted: 'Many of us are inclined to be carried away by what we think a kindly and generous act. Parnell is never carried away by anything. He never dreams of giving the English credit for good intentions. He is always on the look-out for the cloven foot. He distrusts the whole lot of them and is always on the watch. They have got their match in him. It's not poor Issac Butt they have to deal with, or even O'Connell. Parnell is their master as well as ours.' How aptly does this description suit Vithalbhai as much as it does Parnell!

The next time Parnell practised obstruction — and this was the last occasion on which he did so — was in 1882, when after

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a stormy all-night sitting, he and sixteen members of his party were suspended for *wilfully* blocking the Crimes Bill, and they withdrew from the contest, 'casting upon the Government the sole responsibility of the Bill which had been urged through the House by a course of violence and subterfuge, and which when passed into law would be devoid of moral force and would be no constitutional Act of Parliament.'

Hereafter Parnell, with his following increased to 86, resorted to another type of tactics — that of playing the Conservatives against the Liberals, and the Liberals against the Conservatives — manoeuvring with Chamberlain or Carnarvon or Gladstone — and almost succeeding in getting Home Rule, very nearly of the type he wanted, in the hollow of his hands. That he did not finally succeed was due to extraneous reasons, which may not be discussed here.

The 'total obstruction' or 'the continuous consistent and persistent obstruction' that Vithalbhai had in mind and for which he asked for the removal of the boycott of Councils was this obstruction practised by Parnell and his followers in the British House of Commons. It should also be remembered that, just as Parnell's policy of Parliamentary obstruction went hand in hand with an advanced agitation outside the Parliament, Vithalbhai's fight from within the Councils was expected to derive its strength from a whirlwind agitation outside the Councils. It is unfortunate that Vithalbhai never had a real chance to test his ideas to the fullest extent. That he could achieve some success in this way would be clear to everybody who studies the part he played during the debates on the Rowlatt Bills in the Old Imperial Council. It has also to be noted that the conditions in which Parnell and his followers worked in the House of Commons were different from the conditions in which Vithalbhai and his associates had to work in the Indian Councils. Parnell himself changed his tactics from time to time as conditions changed. With a following of seven, he had been content to obstruct the business of the House by 'blocking the way to English Legislation until Ireland was accorded Self-Government', but when the number of his followers increased and it lay in his power to be effective by siding with one or the

other of the main parties, he saw to it that a death-blow was given to the ministry that offended. In the Indian Councils — whether Provincial or Central — the number of obstructionists could never be so small as when Parnell began his obstructionist tactics, but on the other hand, the Indian Provincial Councils were only subordinate Councils with a diarchical constitution, and the Central Legislature had an irremovable executive. The scenes, therefore, that were enacted by the Parnellites in the Commons were hardly called for in the Indian Legislatures, but, on the other hand, even with a fairly large number of obstructionists it was not easy to block legislation altogether. In the Central Assembly, the Viceroy, even when the vote went against the Government, could override the Legislature by his special powers of 'veto' and 'certification'. In the Provincial Councils there were the 'reserved' departments over which the Ministers had no control whatever. Even with these limitations, however, it was possible, and when the time came, the Swarajists did show that it was possible to offer effective obstruction. In the Central Provinces, the Swarajists obtained an absolute majority, and there they threw out the entire budget, with the result that no Ministers could be appointed. In Bengal, though the Swarajists did not have an absolute majority, it became possible for them, with the help of the 'National Party', to turn down the salaries for the Ministers, and the Ministers had to lay down their office. Thus by fighting within the Councils, the Swarajists were able to wreck the constitution at least in two provinces. Even at the centre the Swarajists made their influence felt; there too they threw out the Finance Bill and four demands of the Budget and if they were not as successful there, as in the Provincial Councils, that was because of the inherent difficulties of the situation augmented by the nonchalant attitude of the Non-changers. It has to be noted that neither Gandhiji nor the Non-changers in general gave the obstructionists any chance, to put their programme fully through. Not only were they lukewarm, even after they ceased openly to oppose them, but they adopted such a passive attitude outside the Councils that for all practical purposes the Non-co-operation movement was dead except to the extent to which it was alive in the Councils. Parliamentary

obstruction presupposes an organised active revolutionary party outside, and here the No-changers outside had practically turned themselves into a Spinners' Guild. In these Circumstances even such success as that which was achieved by the obstructionists within the Councils must be held to be very remarkable indeed. The Governments of Bihar and Orissa, Assam, Madras, Bombay and the Punjab reported tales of their woes almost in the same strain as the Governments of Bengal and the Central Provinces. The situation in the Punjab made Sir Michael O'Dwyer exclaim in his *India as I knew her*: 'This sabotage is even more difficult to deal with than open rebellion.' At the Centre, things were made so hot and embarrassing that the Home Member Hailey, who was appointed as the Governor of the United Provinces, said towards the end of the first Session almost with a sigh of relief that he was going to a place where Pandits and Patels would cease to trouble him.

The All-India Congress Committee which met in Calcutta, soon after the Civil Disobedience Enquiry Committee's Report was out, between the 20th and the 24th of November, 1922, could hardly be expected to sanction the Council-entry programme. They left that decision to the ensuing Session of the Congress at Gaya. At the end of a futile discussion extending over five days they resolved that the country was not ready for mass disobedience, authorized the Provincial Congress Committees to sanction such limited Disobedience as came within the four corners of the set of conditions laid down in that behalf, and postponed not only the question of Council-entry but also such questions as the boycott of British goods, entry into Local Bodies for facilitating the constructive programme, the boycott of educational institutions and Law Courts, and the right of private defence within the limits of law, except when carrying on Congress work.

In the meantime the wife of Das, in her Presidential address at the Bengal Provincial Conference in May 1922, had suggested that the Congress should consider a change in tactics and consider Non-co-operation within the Legislatures. Das himself came out of jail in July, 1922, and in his reply to the many public addresses he received on his release, he made it per-

fectly clear to his audiences that he did intend to go into the Council. In his Presidential address at the Gaya Congress in December, 1922, he boldly made a bid for Council-entry. In the course of that address he said: "Hitherto we have been boycotting the Councils from outside. We have succeeded in doing much — the prestige of the Councils is diminished, and the country knows that the people who adorn these chambers are not the true representatives of the people. But though we have succeeded in doing much, these Councils are still there. It should be the duty of the Congress to boycott the Councils more effectively from within. Reformed Councils are really a mask which the bureaucracy has put on. I conceive it to be our clear duty to tear this mask off their face. ... The only successful boycott of these Councils is either to mend them in a manner suitable to the attainment of Swaraj or to end them completely. That is the way in which I advise the nation to boycott the Councils." Das had influential support, not only from Bengal, Maharashtra and the Central Provinces, but also from the U.P. and the Punjab, and yet Rajaji succeeded in sabotaging the whole scheme of Das. Despite the able advocacy not only of Vithalbhai and Das, but of Motilal Nehru and Srinivasa Iyengar, the No-changers carried the day. The position of Das, in particular, became anomalous — not that he had no idea of what might happen at Gaya. In fact he had two precious documents in his pocket, when he presided over the Congress — one was the presidential address and the other his resignation of the Presidency along with a constitution for the Swaraj Party. Before the Congress Session was over, when the A.-I.C.C. met for the purpose of laying down the programme for the ensuing year, Motilal Nehru announced the formation of the Swaraj Party, and while winding up the deliberations of the Session, Das submitted his resignation of the President's office and declared his resolve to persuade the country to accept his plan of work. When the plans matured, Das was to capture Bengal, Motilalji to mount guard over Delhi and Simla, and Vithalbhai and Maharashtra to look after Bombay and Nagpur. The No-changers left Gaya satisfied with their success, but not quite happy, because they were conscious that the split that they had caused had vast

potentialities. On the other hand, the Swarajists parted with a knowledge of defeat, but with a firm determination to see their programme through. The Nationalist Press, on the whole was anti-Swarajist, but *Banglar Katha* in Calcutta, *Swadesamitram* in Madras, *Kesari* in Poona and *Hindusthan* in Bombay supported the newly formed Swaraj Party.

After some preliminary propaganda the Swarajists met in conference at Allahabad at the house of Motilalji in March 1923, to finalise the constitution and the plan of campaign of the Swaraj Party. The A.-I.C.C. which had met there in February had adopted a compromise resolution, 'under which Council propaganda was to be suspended on both sides till the 30th of April.' Soon after the A.-I.C.C. meeting, Das received an adventitious aid for his propaganda in the promise of Ashutosh Mookerjee, the greatest Vice-Chancellor the Indian Universities have ever had, to work with the Swaraj Party on his retirement from the Bench. Lord Lytton had insulted Sir Ashutosh by offering him a fresh term of Vice-Chancellorship on conditions which, to say the least, were outrageously indecent. In his letter to Sir Ashutosh, dated the 24th of March, 1923, Lytton had said: "The continuance of the course you have followed during the last few months would entirely preclude my favouring your reappointment. Hitherto you have given me no help! You have on the contrary used every expedient to oppose us. ... I should not complain of this, if you declared yourself an open antagonist and said to me frankly: 'In the interest of the University I am obliged to oppose your policy and cannot co-operate with you.' But in that case, you could not expect the Government to retain you as a colleague and ask you to continue as Vice-Chancellor. ... If you can give an assurance that you will not work against the Government or seek the aid of other agencies to defeat our Bill, then I am prepared to seek the concurrence of my Minister to your reappointment as Vice-Chancellor, and if you cannot conscientiously do this you must make yourself free to oppose me by ceasing to be Vice-Chancellor."

Sir Ashutosh, needless to say, spurned Lord Lytton's insulting offer. In his reply he wrote among other things: "You complain that I have hitherto given you no help. I maintain I

have constantly offered you my help and advice which, for reasons best known to you alone, you have not accepted. ... I notice that you charge me with having misrepresented your objects and motives. I most emphatically repudiate this unfounded charge. ... It may not be impossible for you to secure the services of a subservient Vice-Chancellor, prepared always to carry out the mandates of your Government and to act as a spy on the Senate. ... We shall watch with interest the performance of a Vice-Chancellor of this type creating a new tradition for the office. I send you without hesitation the only answer which an honourable man can send — an answer which you and your advisers expect and desire. I decline the insulting offer you have made to me."

The net result of the publication of this correspondence was that a large volume of public opinion at once veered round to the Swaraj Party, as co-operation on Lord Lytton's terms was obviously most insulting to their self-respect. Incidentally this was a God-send to Das, and within six or seven months' time he succeeded in inducing a large number of Bengalees — Congressmen and others — to accept the Swarajist programme.

The A.I.C.C. meeting in Bombay, between the 25th and the 27th of May, 1923, resolved that no propaganda be carried on *against* Council-entry. The Working Committee disapproved of this resolution and six members of that Committee, including Vallabhbhai Patel, tendered their resignations, as a consequence. After some hesitation, these resignations, as also the resignation of Das, were accepted. The A.I.C.C. met again at Nagpur and felt it necessary to reiterate the Bombay resolution, and called for 'a special Session of the Congress to consider the question of the boycott of Councils.' A special requisition meeting was called in August at Vizagapatam which voted for a Special Session of the Congress in September. That Session was ultimately held in Delhi in the third week of September (1923), with Maulana Abul Kalam Azad as the President. Here the Pro-changers got the Congress to pass a permissive resolution to the effect that 'such Congressmen as have no religious or other conscientious objection against entering the legislatures are at liberty to stand as candidates and to exercise their right of

voting at the forthcoming elections. *And this Congress, therefore, suspends all propaganda against entering the Councils.*' There was, of course, a taint in this resolution. Council-entry was only *permissive*. The high-brows looked down on it. Be it noted also that the conditions on which Council-entry was expected to be successful by Vithalbhai and his group were not fulfilled.

Those who favoured the capturing of the legislative citadels had not vegetated in the period between Gaya and Delhi. Das had proposed a constitution and a manifesto for the Swaraj Party. The Party was born after a painful labour, and though repudiated at its birth by its parent, the errant parent, within a year, took the child to its heart. Preparing the electorate had now become a part of the Congress programme, howsoever averse the No-changers may have been to it. They could not now quite indulge in the pleasant pastime of election-baiting.

To Vithalbhai fell the double task of carrying on a propaganda for elections and of devising ways and means of organizing 'an effective campaign of Civil Disobedience'. He was nominated on a Committee whose business was to go into the problem of Khaddar and the boycott of foreign goods. With the elections drawing near, he had obviously to give most of his attention to the Council front.

The Swarajists had divided the work with an eye on the maximum of efficiency. Das wanted to give this undivided attention to Bengal. Motilalji was to manage the return of the Swarajists, in general, and Vithalbhai, the Bombay Swarajists in particular, to the Central Assembly. Vithalbhai's task was not quite enviable. Not only because Gujarat, the homeland of Gandhiji himself, was a bulwark against any inroad on what were considered to be Gandhiji's most cherished ideals, but because Gujarat was as much a domain of Vallabhbhai's influence as Vithalbhai's, Vithalbhai had there a more delicate obstacle to contend with. Vallabhbhai's relations with Vithalbhai were as cordial as any relations could be. He was however a pronounced No-changer, and Vithalbhai had to tax his brains to the utmost in finding a *via media* which could enable him, at one and the same time, to carry on a vigorous propaganda for the Swaraj Party programme of Council-entry

and to see that Vallabhbhai's susceptibilities were not unduly wounded. The Congress Historian, in his account of how several of the pronounced No-changers did not throw their full weight against Council-entry in the Cocanada Session at the end of the year (1923), says that while Rajaji 'cast his weight on the side of the Delhi resolution', Vallabhbhai's 'assent to the Delhi Settlement *had been wrung out of him* at the Delhi Session.' So Vallabhbhai, a pronounced No-changer, had accepted,— may be unwillingly, if the Congress Historian is right — the position of allowing the Pro-changers to have their own way without let or hindrance from him. How was this situation brought about? The present writer is in a position to say that there was a perfect understanding between the brothers, and it was not **only** a case of no conflict between them on the public platform, but there was even an agreement between them that, while Vithalbhai would not go to the north of Nadiad in the Province of Bombay, Vallabhbhai was not to come south of Nadiad. Thus the spheres of their influence were clearly marked out, during Vithalbhai's life time. This arrangement began to work, practically, with the birth of the Swaraj Party. And thus it was that Vithalbhai could storm Gujarat even in the hey-day of the anti-Council-entry atmosphere. True, at this time, it was nothing short of blasphemy to talk in Gujarat against the policy and principles for which Gandhiji was supposed to have fought all his life and for which he was presumed to have gone to jail. Vithalbhai's position, however, was quite unique with the masses of Gujarat, who recognised in him a patriot and a selfless public servant of undisputed merit with a political insight which the masses in Gujarat would not have credited any other leader with. It is hardly an exaggeration to say that nobody but Vithalbhai could have faced the Gandhiji-mad crowds of those days. In spite of their sentimental and unquestioning acceptance of Gandhiji's policy and programme, hundreds of people gathered round him whenever he addressed any public meeting, and the response he received in Gujarat to his on-the-whole unpalatable programme was indeed far more encouraging than could be expected by the most sanguine of Swarajists, in the circumstances that obtained.

While Vithalbhai was busy, tackling a difficult and delicate

task in Gujarat, his own position in the town and island of Bombay was being torpedoed by an unexpected *coup de maitre*. All of a sudden, Jayakar took it in his head that Das expected him to set up a Swaraj Party organization in Bombay and that the whole burden of giving the party a local habitation, if not also a name, had fallen on him. Without so much as a single consultation either directly or indirectly with Vithalbhai, he called a meeting of all such persons as were interested in the principles and programme of the Swarajists, with the explicit object of electing the Executive of the *Bombay Swaraj Party* in that meeting. Vithalbhai's position, not only in the Swaraj Party but also in the public life of Bombay was such that founding a Swaraj Party organisation in Bombay without any reference to him of any sort was like enacting Hamlet without the Prince of Denmark. Jamnadas Mehta, Jaisukhlal Mehta and several others thought that this move on the part of Jayakar was hasty and premature, if it did not actually aim at the deliberate exclusion of Vithalbhai from the Bombay Swaraj Party. At first they tried to get the meeting postponed till Vithalbhai's return from Gujarat. When they found Jayakar unwilling to meet their wishes in this matter, they telegraphed to Vithalbhai to say that his presence in Bombay at that juncture was an absolute necessity. Vithalbhai's friends were naturally perturbed at the turn events were taking, even in the initial stages, in this matter of the Swaraj Party organization in Bombay. On his return from Gujarat, Vithalbhai was apprised of the whole situation. He too became a little uneasy, but steadily refused to allow the balance of his mind being disturbed by any personal considerations. His friends naturally wished him to take the reins in his own hands and outwit those self-important men who had arrogated to themselves the position of sponsors of the Swaraj Party, with the sole object of excluding him from his dues in the Bombay Executive of the Party. Vithalbhai at the beginning discountenanced any such idea, and advised his friends to desist from raising any controversy or imparting any heat to the talks that were going on, as such a move was not in the best interests of the newly born Swaraj Party which had the tremendous task, before it, of weaning away the sentimental public from their ill-

conceived ways to the vast potentialities of this new method of attack against the strongly fortified bureaucratic fortress. On one thing, however, Vithalbhai's friends were firm. They would not accept Jayakar as the President of the Bombay Swaraj Party. If Vithalbhai did not care to be placed in that position, they must at least have one in that position who could be considered quite independent. By common consent, after a good deal of private negotiations, the choice ultimately fell on Natarajan, who, though he looked down on 'crass Parnellism', was not quite a milk-and-water Responsivist.

Partly on account of inadequate notice and partly on account of the limited time during which the enrolment of members had to take place, the attendance at the first meeting of the Swaraj Party which had to elect the Executive of the Party, was very meagre. Men under the influence of Jayakar were obviously in great majority. Vithalbhai, Jamnadas Mehta and the present writer found a place on the Executive, but the large majority on it consisted of men under the influence of Jayakar. Balasaheb Kher, Hiralal Nanavati, Purushottamdas Trikamdas and Mulgaonkar were among the active members of the Party, associated with the Jayakar group.

The composition of the Bombay Swaraj Party at this time was such that it was hoping against hope to expect its working to be smooth. The outlook of several of the members was radically different from that of the original founders of the Party. To some of them, membership of the Party was but a stepping stone to a seat in the Legislatures. They did not realise that the Swaraj Party was a Revolutionary Party and that its cardinal principle was downright opposition to the bureaucracy. They did not realise that they had to carry out the whole programme of Non-co-operation in an aggressive manner, though the fighting could now be carried on from within the Councils also. It must be admitted that the composition of the first Executive of the Bombay Swaraj Party positively failed to evoke anything like an adequate response from the public. In one of the public meetings, held at the Marwari Vidyalaya, under the auspices of the Party, Vithalbhai was actually constrained to confess to this inherent defect in the Party organisation. He confessed that he

was not surprised at the want of confidence of the general public in the ideals of the Party when they saw on the platform some members of the Party's Executive clad in foreign clothes. While the audience appreciated this part of his speech and were impressed by Vithalbhai's sincerity of purpose, it naturally offended the persons concerned. A heated discussion followed on this issue in the next meeting of the Executive, and it was realised that there were irreconcilable differences among the members on the ideology itself of the Party.

Although, from the numerical point of view, Jayakar's position in the Party's Executive was strong enough, he realised soon enough that it was impossible for him to gag the mouths of the determined minority whose one aim was to keep the Swarajist flag flying in its *true colours*. These differences found their way to the Press. The *Hindusthan* was probably the only Daily of Bombay which took a really keen and active interest in the propagation of Swarajist ideals. The controversy in the Press took such a violent turn that those who were interested in the smooth working of the Bombay Swaraj Party sought the intervention of Das himself in its affairs. Das came down to Bombay, was apprised of the exact situation and was convinced, though a personal friend of Jayakar, that there was nothing wrong in the stand taken by the minority. Das realised that no amount of window-dressing could improve the situation and therefore left the matter to be dealt with by the local people themselves.

On account of these internal differences the working of the Bombay Swaraj Party was never quite a smooth affair. Matters came to a head when the question of the selection of candidates for the ensuing elections came on the *tapis*. The majority group in the Executive held that it was the inherent right of the Executive to make the selection. The minority contended that, apart from the theoretical question about whether that should be the right of the Executive or no, in this particular case, notice had to be taken of the fact that when this Executive had been formed, the number of the members of the Party was very small, that a very large number of the Party had come to it after the formation of the Executive and that it was inequitable to deny these new members the chance of having their say in the matter.

They also maintained that the inherent right of the selection of candidates vested in the general body, and that, if and when this task was entrusted to the Executive, the Executive performed it on behalf of the general body, and as their agent. An acrimonious debate followed. Natrajan gave a provisional ruling in favour of the minority view, subject to its confirmation by Motilalji. Motilalji confirmed Natrajan's ruling, with the result that now there was almost a scramble for the addition of new members, particularly brought in by the majority group in the Executive. On the day of the meeting of the general body there was considerable excitement. Vithalbhai and his friends realized that they would be in the minority. Vithalbhai, however, was not a man who would lose heart on account of any panicky reports. He had full faith in the people. He was sure that his appeal to reason would have the desired effect, and that he would be able to secure a proper machinery for the selection of such candidates as would do honour and credit to the Party and the Country. The general body met in a building in Bhatwadi. There was a lot of confusion, but ultimately the proposals of Mr. Naik of Bandra were accepted by a large majority. The names proposed for this Committee of selection included representatives of different shades of opinion, but Jayakar was dissatisfied with it, because he and his friends did not have a dominant voice in it. Soon after this meeting Jayakar and his friends left the Bombay Swaraj Party, and the Party was organized afresh.

The resuscitated Swaraj Party of Bombay gave a good account of itself in the elections. Vithalbhai was selected as a Swarajist candidate to contest the election for one of the two seats on the Legislative Assembly reserved for Bombay. Sir Chimanlal Setalvad, Jamnadas Dwarkadas, and Naorosji Dumasia were the other contestants. The contest evoked unprecedented excitement. Official attempts were made to reduce the chances of Vithalbhai to a minimum. Public workers and public bodies espousing the popular cause came forward in large numbers to render voluntary help in the election, particularly when they realized that Vithalbhai had not the resources his rivals commanded in respect of men, money and motors in addition to support from official quarters.

SWARAJIST REVOLT

The election programme for Vithalbhai, who was now the President of the Swaraj Party (Bombay branch) and the President of the Bombay Nationalist Municipal Party, consisted of several bulletins most of which put the case succinctly for the Swarajists as against the Moderates. Bulletin 6, for instance, says: "Let the voters judge the Moderates by their past achievements and decide for themselves whether they could, in all conscience, give even a single vote for a Moderate candidate. The Swarajists are out to oust the Moderates. Therefore, Voters! record your two votes for the Swaraj Party candidate, Mr. Vithalbhai Patel." Bulletin No. 7 gives the reasons 'why Congressmen should capture Councils', quotes freely, from the Civil Disobedience Committee's Report, the views of Hakim Saheb, Motilalji and Vithalbhai, and says among other things: 'It lies entirely with the voters whether the Moderates should be allowed to continue in their task of doing harm to the country or they should be compelled to retire from politics altogether.' Of course, this is all election propaganda, and has to be treated as such. In the end, Vithalbhai was returned with a large majority to the Central Assembly. The results of the election all over the country were, on the whole, fairly encouraging. In the Central Provinces the Swaraj Party was returned with a clear majority in the Council, with the result that dyarchy ceased to function in that Province. In Bengal the Swaraj Party did not have an over-all majority, but it was returned as the largest single party (of 40 members) in the Council, and with the co-operation of the 'National Party' which came midway between the Liberals and the Swarajists, it could defeat the Government on all crucial occasions. Bombay, Madras, Assam and Lahore did not do quite so well. In the U.P. the party met with slight reverses at the polls. In the Central Assembly the Party could boast of a compact and well-disciplined force of 45 members with Motilalji as their leader. For the first time in the history of the country, Government found themselves faced not with an opposition of stragglers or unattached persons, but with a solid unofficial opposition. No more backsliding now. Government had to recognize the power behind the Swarajist opposition. They had to suffer defeats on several important issues.

If in the Central Provinces dyarchy had ceased to function, in Bengal, Government did not do much better. As the constitutional head of the Bengal Government, Lytton requested Das as the leader of the largest single party to form the Ministry for 'transferred' subjects. The reply of Das was characteristic. Among other things he wrote: "The members of this Party are pledged to do everything in their power, by using the legal right granted to them under the Reforms Act, to put an end to the system of Dyarchy. This duty they cannot discharge if they take office. The Party is aware that it is possible to offer obstruction from within, by accepting office, but they do not consider it honest to accept office, which is under the existing system in Your Excellency's gift, and then turn it into an instrument of obstruction." Not only did Das not consent to form a Ministry for the 'transferred' departments, but he got the Council to vote against the Ministers' salaries, with the result that the Governor was compelled to divide between himself and the members of the Executive Council the administration of the 'transferred' departments.

At the Cocanada Session of the Congress (December '23), the question of Council-entry came once more on the *tapis*. Not only did this Session reaffirm the earlier decision of Delhi, but it went further and decided not to offer any opposition to the Swaraj Party or to put any obstruction in its way.

In the Central Assembly the only thing that the Swarajists could do was to offer 'continuous, consistent and persistent obstruction.' They could not unseat the Government. There were no 'transferred' departments here which could be prevented from coming into existence. The Swarajists, however, with or without the co-operation of the other parties, could bring the work of the Legislature, on several occasions, to a standstill. They knew quite well that not much could be gained by the capturing of legislatures so long as the Executives remained irresponsible. But their tactical moves could save the country from some misery. Their very presence in the Legislatures made the official Benches tread warily. They could carry some beneficent measures and ameliorate to some extent the lot of the millions. Their intentions were noble; their purpose worthy; and

they hoped, ere long, to receive the blessings of Gandhiji and finalise their programme.

Among the victories of the Swarajists in the Central Assembly may be mentioned the passing of Motilalji's amendment in favour of a Round Table Conference and the passing of the resolutions calling, for the release of political prisoners, for the repeal of Regulation III of 1818, for the imposition of a counter-vailing duty on South African coal, and for the appointment of a Committee of Inquiry into the Sikh situation. The defeats of the Government on these issues could be secured, be it remembered, on account of the re-inforcement the Swarajists received not only from the 'Independents', but also from the Moderates from time to time. The greatest achievement of the Swarajists in 1924, however, was the throwing out of the first four heads under the demand for grants, and of the Finance Bill, which, in effect, was tantamount to the refusal of supplies. The question now before the Swarajists was whether Gandhiji would give his blessings to the course they were following.

On the 12th of January 1924, Gandhiji was operated for appendicitis in Poona. On the 5th of February, Government released him unconditionally, when he had served but a third of his sentence. The Swarajists, who had, on the whole, good reason to be satisfied with their achievements were anxious to see how Gandhiji reacted to their policy. Vithalbhai's obstructionist policy had not yet been given a real trial, because, if it did not receive a benediction from Gandhiji, it had obviously not much of a chance. Would Gandhiji, the Swarajists asked, treat Council-entry as a breach of faith with him during his incarceration? For his convalescence Gandhiji had come to Juhu, near Bombay. There Das and Motilalji contacted him, and discussed with him the policy which, along with Vithalbhai, they had now adopted. Though the actual 'Juhu conversations' can hardly be re-called now, an idea of what they were can be had from the statements issued, in May 1924, by Gandhiji on the one hand, and Das and Motilalji on the other. As these statements clarify the whole position of the Swarajists, and the reaction of Gandhiji to it, and as they indicate incidentally the modification, submitted to by the Swarajists, in their original

policy of total obstruction, in deference to Gandhiji's advice, we make no apologies for quoting them in full:

GANDHIJI'S STATEMENT

"After having discussed with Swarajist friends, the vexed question of entry into the Legislative Assembly and the Councils by Congressmen, I am sorry to have to say that I have not been able to see eye to eye with the Swarajists. I assure the public that there has been no lack of willingness or effort on my part to accept the Swarajist position. My task would be much simpler, if I could identify myself with it. It can be no pleasure to me to oppose, even in thought, the most valued and respected leaders, some of whom have made great sacrifices in the cause of the country and who yield to no one in their love of freedom for the motherland; but in spite of my effort and willingness, I have failed to be convinced by their argument. Nor is the difference between them and myself one of mere detail. There is an honest and fundamental difference. I retain the opinion that Council-entry is inconsistent with 'Non-co-operation' as I conceive it. Nor is this difference a mere matter of interpretation of the word 'Non-co-operation' but relates to the essential *mental attitude resulting* in different treatment of vital problems. It is with reference to such mental attitude that the success or failure of the *triple(?)* boycott is to be judged, and not merely by a reference to the actual results attained. It is from that point of view that I say that to be out of the Legislative bodies is far more advantageous to the country than to be in them. I have, however, failed to convince my Swarajist friends, but I recognize that, so long as they think otherwise, *their place is undoubtedly in the Councils*. It is the best for us all.

"It was hardly to be expected that the Swarajists could be convinced by the arguments I advanced in the course of the conversations. There are many of them who are amongst the ablest, most experienced, and honest patriots. They have not entered the legislative bodies, without full deliberation, and they must not be expected to retire from the position until experience has convinced them of the futility of their method.

"The question, therefore, before the country is not an examination and distribution of the merits of the Swarajist view and mine. The question is, what is to be done now regarding Council-entry as a settled fact? Are the non-co-operators to keep up their hostility against the Swarajist method, or are they to remain neutral *and even help* wherever it is possible or consistent with their principles?

"The Delhi and Cocanada resolutions have permitted those Congressmen who have no conscientious scruples to enter the Councils and the Assembly if they wanted to. In my opinion, the Swarajists are, therefore, justified in entering the legislative bodies and expecting *perfect neutrality* on the part of the No-changers.' *They are also justified in resorting to obstruction*, because such was their policy, and the Congress laid down no conditions as to their entry. If the work of the Swarajists prospers and the country benefits, such an ocular demonstration, cannot but convince honest sceptics like me of our error, and I know the Swarajists to be patriotic enough to retrace their steps when experience has disillusioned them. *I would therefore be no party to putting any obstacles in their way or to carrying on any propaganda against the Swarajists' entry into the Legislatures, though I cannot actively help them in a project in which I do not believe.* The purpose of the Delhi and Cocanada resolutions was to allow the Swarajist a chance of trying the method of Council-entry and that purpose can be served only if the 'No-changers', with scrupulous honesty, allow the Swarajists full liberty to pursue their programme in the Councils, unfettered by any obstruction from them.

"With regard to the method of work in the Councils, I will say that I would enter a legislative body, if only I found that I could, at all, *use it to advantage.* *If, therefore, I enter the Councils, I should, without following a general policy of obstruction endeavour to give strength to the constructive programme of the Congress.* I should, therefore, move resolutions requiring the Central and Provincial Governments, as the case may be,

- (1) to make all their cloth purchases in hand-spun and hand-woven Khaddar;
- (2) to impose a prohibitive duty on foreign cloth;

- (3) to abolish drink and drug revenue, and at least correspondingly reduce the Army expenditure.

"If the Government refuse to enforce such resolutions when carried in the Legislatures, I should invite them to dissolve them and take the vote of the electors on the specific points. If the Government would not dissolve, I should resign my seat and prepare the country for Civil Disobedience. When that stage is reached, the Swarajists will find me ready to work with and under them. My test of fitness for Civil Disobedience remains the same as before.

"During the state of probation, I should advise the 'No-changers' not to worry about what the Swarajists are doing or saying, and to prove their own faith by prosecuting the constructive programme with undivided energy and concentration. *Khad-dar and National Schools are enough to occupy every available worker who believes in quiet, honest and undemonstrative work.* The Hindu-Muslim problem too will tax the best energy and faith of the workers. The 'No-changers' can justify their opposition to Council-entry, only *by showing the results of their application to the constructive programme*, even as the 'Pro-changers' must justify their entry by results. The 'No-changers' are in one respect in an advantageous position, for they can secure the co-operation of the 'Pro-changers'. The latter have declared their faith in the constructive programme, but their contention is that, by itself, the constructive programme cannot enable the country to reach the goal. In the prosecution, however, of the constructive programme outside the Legislatures, all 'No-changers', 'Pro-changers' and others — can, if they will, work in unison through their respective organisations, if necessary.

"The statement is incomplete without an examination of the working of the Congress organisation. I hold drastic and definite views in the matter, but I must reserve their expression for a future, though early, occasion."

THE STATEMENT OF DAS AND MOTILALJI

"We are obliged to Mahatma Gandhi for the trouble he has taken to discuss with us the various points involved in the quest-

ion of Council-entry, and are indebted to his courtesy for the opportunity we have had of seeing an advance copy of the statement he has issued to the Press. The views expressed by him in the course of the conversation, and those embodied in the Press statement, have all been considered by us with the care and attention due to his great personality, but with all the reverence we entertain for him and his opinions, we remain unconvinced by his reasoning.

"We regret that we have not been able to convince Mahatma Gandhi of the soundness of the Swarajist position regarding Council-entry. We fail to understand how such entry can be regarded as inconsistent with the Non-co-operation resolution of the Nagpur Congress. But if Non-co-operation is more a matter of *mental attitude* than of the application of a living principle to the existing facts of our national life, with special reference to the varying attitude of the bureaucratic Government which rules that life, *we conceive it to be our duty to sacrifice even Non-co-operation to serve the real interests of the country.* In our view, this principle includes self-reliance in all the activities which make for the healthy growth of the Nation and resistance to the bureaucracy as it impedes our progress towards Swaraj. We are, however, anxious to end this fruitless verbal discussion, making it clear that Council-entry is, and can be, thoroughly consistent with the principle of Non-co-operation as we understand that principle to be.

"We desire further to make it clear that *we have not used* in our programme *the word 'obstruction' in the technical sense of English Parliamentary history.* (So Vithalbhay is practically let down by Das and Nehru.) Obstruction in that sense is impossible in subordinate and limited legislative bodies, such as the Legislative Assembly and Provincial Legislatures under the Reforms Act undoubtedly are. Possibly another word should have been found to convey our meaning. We may state, however, that our position is really *not so much* that of obstruction in the Parliamentary sense as that of *resistance to the obstruction* placed in our path to Swaraj by the bureaucratic Government. It is this resistance which we meant to imply when we used the word 'obstruction'. This was clearly indicated in the

way we defined and described No-co-operation in the Preamble to the Constitution of the Swaraj Party. It is the removal of such bureaucratic obstruction which we feel we must emphasize. This is the policy which we have hitherto followed in the Legislative bodies, and it is this policy which must in future be more and more effectively directed to the varying needs and problems of our national life.

"Here again we are anxious to end all verbal discussion as to whether this can be aptly described as a policy of 'uniform, continuous and consistent obstruction.' We are content to detail our policy and then leave it to our friends to give it a more appropriate name, should they so desire.

"In the light of this principle and policy, we would here state our future programme of action within and outside the Legislative bodies.

"Within the Legislative bodies we must continue:

- (1). To throw out Budgets unless and until the system of Government is altered in recognition of our rights, or as a matter of settlement between Parliament and the people of this country. In justification of this step, all that we need point out are a few salient facts connected with the Budget in the Central Government, which are more or less true of Provincial Budgets also. Out of a total of 131 crores (excluding railways) only 16 crores are votable. Further, out of the non-votable amount, as much as 67 crores, i.e., more than half the amount of the Budget are for military expenditure. It is thus clear that the people of this country have the right to vote only less than 1/7th of the total amount of the Budget, and even the exercise of this limited right is subject to the power of restoration vested in the Governor-General. It is, therefore, clear that the people have neither any voice in the framing of the Budget nor any control over those who frame it. They have no power either over the raising of the revenue or its expenditure. On what principle then may we ask, is it our duty to pass such a Budget and take the responsibility of being a party to it?

SWARAJIST REVOLT

We have no doubt of the support of many self-respecting men in the country, in holding as we do, that it is our clear duty to throw out such Budgets in all Legislative bodies unless and until this vicious system is changed.

- (2) To throw out all proposals for legislative enactments by which the bureaucracy proposes to consolidate its power. It is conceivable that some good may incidentally result from a few of such measures; but we are clearly of opinion that in the larger interests of the country it is better to sacrifice temporarily such little benefits rather than add an iota to the powers of the bureaucracy, which are already irresistible.
- (3) To introduce all resolutions, measures and bills which are necessary for the healthy growth of our National life and the consequent displacement of the bureaucracy. We heartily accept the suggestions made by Mahatma Gandhi in his statement, and we think that the resolutions mentioned by him in support of the constructive programme of the Congress should certainly be accepted by the Swaraj Party. The principle of self-reliance and resistance to bureaucratic obstruction, upon which we have hitherto acted, calls for their adoption, and if the constructive work of the Congress comes within the principles of Non-co-operation, no less do these resolutions, although they represent constructive activity within the Legislative bodies.
- (4) To follow a definite economic policy, based on the same principles, so as to prevent the drain of public wealth from India by checking all activities leading to exploitation.

“To make this policy effective, we should take and occupy every place which is open to the members of the Central and Provincial Legislatures *by election*. In our opinion, we should not only fill elective posts, but serve on every Committee where it is possible to do so. We invite the attention of the members of our Party to this important question, and we call upon them to decide this matter as soon as possible.

"Our policy outside the Legislative bodies should be as follows:

"In the first place, we should give our wholehearted support to the constructive programme of Mahatma Gandhi and work that programme unitedly through the Congress organizations. We are decidedly of the opinion that our Council work must necessarily lose much of its strength without the backing of the constructive work outside, *for it is not inside but outside the Legislature that we must look for that sanction without which the effective carrying out of our Council policy is impossible.* Indeed, in the matter of constructive work, the mutual support of both inside and outside activity must, in our opinion, give strength to the very sanction upon which we rely. In this connection, we hesitatingly accept the suggestion of Mahatma Gandhi regarding Civil Disobedience. We can assure him that the moment we find that it is impossible to meet the selfish obstinacy of the bureaucracy without Civil Disobedience, we will retire from the Legislative Bodies and help him to prepare the country for Civil Disobedience, if by that time the country has not already become prepared, and we will then unreservedly place ourselves under his guidance, and work through the Congress organization under his banner, in order that we may unitedly work out a substantial programme of Civil Disobedience.

In the second place, we must supplement the work of the Congress by helping the labour and peasant organizations throughout the country. The problem of labour is always a difficult problem to solve in every country, but in India the difficulties are greater. On the one hand, we must find out a way of organization by which we can prevent exploitation of labour by capitalists or by landlords and on the other hand, we must be on our guard to see that these very organizations may not themselves be the source of oppression by nursing extravagant and unreasonable demands. Labour undoubtedly requires protection but so do industrial enterprises. Our organization must protect both from exploitation, and the Trade Union Congress must be so organized as to be able to serve this useful purpose. We hold that in the long run the real interests of both and of the country at large are identical.

"We feel happy that we have had this opportunity of putting our views before the country side by side with Mahatma Gandhi's opinion, for we feel certain that their perusal will make it obvious that, *notwithstanding some differences of view, there is an abiding and fundamental unity amongst both parties of the Indian National Congress*. Both parties feel the necessity of working the constructive programme whether within or outside the legislative bodies. In this direction, we feel confident lies the germ of a fruitful alliance between Mahatma Gandhi and the Swaraj Party. Our joint effort, in the same or different directions, will furnish a fitting answer to the bureaucracy, unwilling to recognise the rights and liberties of the Indian people, and we emphatically assert that, in our determination to work with the same object in the same or different spheres, is expressed the determination of the Indian Nation to bring the struggle for Swaraj to a successful issue."

The Juhu conversations paved the way for the decisions of the A.-I.C.C. Session at Ahmedabad between the 27th and the 29th of June (1924). The Swarajists however did not secure, at that meeting, what they subsequently secured at the A.-I.C.C. Session in Bombay on the 23rd and the 24th of November. It was there that Gandhiji completely surrendered to Das and Motilalji on the question of Council-entry *and lifted the boycott of Councils altogether*. They then issued a joint statement, the substance of which was that, in order to secure the co-operation of all parties, the programme of Non-co-operation should be suspended for the time being, except in so far as it related to the refusal to wear foreign cloth, and that, while different sections should devote themselves to different fields of constructive work the Swaraj Party should work in the Councils.

The victory of Swarajists was thus complete, though, it is equally true that Vithalbhai's policy of Parnellite obstruction was also practically given up at the same time.

Chapter Twenty-Four

IN THE LEGISLATIVE ASSEMBLY

VITHALBHAI entered the Legislative Assembly on the 30th of January, 1924. On that day, he took the oath in the prescribed manner, along with 44 other Swarajists. Frederick Whyte was the President and T. Rangachariar, the Deputy President. The Viceroy addressed both the Houses on the 31st January, and the regular Session of the Assembly began on the 1st of February. The Swarajists had entered the Assembly with the avowed object of offering 'continuous, consistent and persistent obstruction' to Government, but it was soon discovered that in actual practice, Vithalbhair was almost in the minority of one to hold on to this policy. Motilalji was the leader of the Party, and Vithalbhair, the Deputy leader. And yet it was tacitly assumed by everybody in the Assembly that the real protagonist of the obstruction part of the Swarajist programme was Vithalbhair and not Panditji. Panditji's *bonhomie*, in particular, made him more acceptable, at least less obnoxious to the European members of the Assembly than Vithalbhair who treated them with scant courtesy. To the other members of the House, it was clear that Vithalbhair had more influence with the rank and file of the Swarajists than Panditji himself. On one occasion Bipin Chandra Pal made a mistake in calling Vithalbhair 'Pandit Patel' and Motilalji corrected him. 'He is not a Pandit', he said. Pal's answer to him was: "But he is all in all, Sir." And Jinnah interposed with the remark: "He is more than a Pandit." The Treasury benches pointed out, off and on, that Vithalbhair, if none other of the Swarajists, was a pure obstructionist and Vithalbhair never denied that he was. Sir Basil Blackett had said in the course of the debate on the resolution on the grant of full Dominion Status to India that he was glad that no one had questioned the *bona fides* of Government. Vithalbhair told him point blank: "Well, here I am to question

the *bona fides* of Government." In the course of that same debate, Sir Malcolm Hailey said: "I can quite understand that the Hon'ble Pandit (Motilalji) appreciates the need for moderation in statement; I can understand that a cautious thinker such as he is, does not desire to go back and plough the barren furrows of Bardoli. But, he does not stand alone; *what of Mr. Patel?*" There is ample evidence in the proceedings of this Session of the Assembly to show that in spite of all the obstacles in the way of his policy of obstruction, Vithalbhai continued to hold fast to it, until he actually noticed that the game was up. At the beginning the Swarajists modified their policy to adjust themselves to the Independents with whom they constituted themselves into the great National Party, and later, when the Independents separated from them, they had already lost their original vigour, partly at least on account of the Juhu conversations between Motilalji and Gandhiji.

In his speech of the 31st of January, 1924, among other things, the Viceroy said: "There is now a spirit in India, which, if I am to credit all I read, is bent upon destruction of the Reforms unless it immediately attains that which it is impossible for any British Government to grant forthwith, that is, complete Dominion Self-Government. ... No change in the constitution can be effected by legitimate and peaceful methods save with the assent of the British Parliament, that is, the British people. ... I gather that there is a disposition in some quarters to believe that the hands of the British Parliament can be forced, and that a situation may be created which may impair the Reforms and thus cause Parliament to act contrary to their desire and better judgment. ... As a devoted friend of India, I am convinced that action based on reason and justice will alone prevail with the British people and will prove the only safe road to the ultimate goal to be attained. ... I earnestly pray that calm judgment and a desire for mutual understanding and goodwill may characterise this Session of the Legislature and may thus carry India further forward to the fulfilment of her legitimate aims and aspirations."

The very first question that Vithalbhai asked (on the 1st of February) in this session was: "Have the Government of

India received any report from the Central Provinces Government regarding the unworkability of the Reforms there?" and Hailey's shame-faced answer to it was: "No, Sir, I am astonished to hear that the Reforms are unworkable in the Central Provinces." It is obvious that this reply of Hailey was a clear equivocation. Vithalbhai's passion for asking questions waned as time went on, and the number of his questions dwindled considerably after the first sitting of this session which was adjourned on the 25th of May, but during this sitting, he asked no less than 68 questions, a good many of which embarrassed the Government not a little. For instance, he repeated his question on the 11th of February on the unworkability of Reforms in the Central Provinces in another form. He then asked whether the attention of Government had been drawn to the deadlock created by the 'no-confidence' motion in the Central Provinces, and asked Government to place the relevant correspondence on the table. Hailey's answer was that Government had seen in the papers some reports about the no-confidence motion, but they were not aware of any deadlock, that they were not prepared to publish any correspondence between the Governor and the Viceroy and that they would not necessarily be aware of the existence of any such correspondence. One noticeable feature of Vithalbhai's questions in the Assembly was that they had now ceased to be of the parochial nature which they some time assumed in the old Imperial Council.

The real business of this Session began on the 5th of February with T. Ranchariar's Resolution on the grant of Dominion Status to India. The Resolution ran as follows: "This Assembly recommends to the Governor-General in Council that he be pleased to take at a very early date the necessary steps including if necessary (the) procuring (of) the appointment of a Royal Commission for revising the Government of India Act so as to secure for India full self-governing Dominion Status within the British Empire and Provincial Autonomy in the Provinces". Hailey, however, on behalf of the Government, asked for the postponement of the consideration of this matter till the 8th of February, and as a consequence, it came up on the 8th. There were several amendments to this Resolution, of which the most important was Motilalji's. Vithalbhai himself had sent in

an amendment, part of which was declared by the President to be 'outside the scope of the Resolution, and part covered, in substance, by Motilalji's amendment.'

Rangachariar started in a very conciliatory tone. He said that when he entered the first Assembly he had faith in the constitution, but no faith in the gentlemen on the Government Benches. On better acquaintance with the Government Benches his sullenness left him and he became an optimist. Then he was suspicious of the Non-co-operators, but when he noted 'the Hon'ble Sir Malcolm Hailey hailing his old friend, Mr. Patel, and speaking to him in whispers', he thought that the atmosphere had become bracing. The atmosphere had further improved by the Government's releasing Gandhiji. With this introduction he went on to say that they had done well in the first Assembly in spite of all the drawbacks of the Act, but that was like reading the first chapter. They had now to go forward, and no steps were provided in the Act 'for gradual realisation of Responsible Government. He pointed out that the Swarajists had thrown in their lot with them 'in improving legislation, in making suggestions as to Bills before us.' Now was the opportunity for the Government to show that they were really responsive to public demands. 'I want Dominion Status abroad and Responsible Government within.'

Hailey was not much behind Rangachariar in politeness, but when he came to address himself to the main proposition that India must have at once full self-governing Dominion Status, he said: "We cannot afford to allow any one to be in doubt as to the attitude of Government on that question. There are many interests concerned. There are the Indian States. ... I do not say what their attitude is likely to be, but it is of vital interest to them whether they will at an early date have to deal with an Executive Government which is entirely responsible to an Indian Legislature, or whether they will have to deal with a Governor-General in Council, who, as now, is responsible to the British Parliament. And, again, European Commerce will desire to know — I say nothing of what its feelings are likely to be at the contemplated change, but men who have put great sums of money into India, and may be daily increasing the sphere of

their operations, have a right to know if we contemplate an early change of Government. The men entering our services will desire to know — I predicate nothing as to their feelings. I only say that all men entering our services, whether civil or military, whether European or Indian, have a right to know if we intend a radical change of Government at an early date. There is another interest, a great and extensive interest, which will desire to know our attitude: I mean the minority communities."

And then he proceeded to say: "The proposition, as it stands, is opposed to the Government of India Act, and in two important respects. The pronouncement of August 1917 spoke of 'gradual development of self-governing institutions with a view to the progressive realisation of Responsible Government in India.' The term has its significance; we know that it was deliberately chosen. ... The expression used in the Act is a term of precision, conveying that the Executive in India would be responsible to the Indian Legislature instead of to the British Parliament. If you analyse the term 'full Dominion Self-Government', you will see that it is of somewhat wider extent, conveying that not only will the Executive have to be responsible to the Legislature, but *the Legislature will in itself have the full powers* which are typical of the modern Dominion. I say there is some difference of substance, because Responsible Government is not necessarily incompatible with a legislature with limited or restricted powers. ... The second part is this, that the Preamble of the Act specifically provides for the realisation of its ideal by successive stages. ... We hold both to the objective and to its realisation by stages. You. . . now object to the imposition of stages." He then proceeded to show that till then India had asked for the realisation of the objective by successive stages; the Nineteen Memorandum of 1916, the Congress of 1917, also of 1918 and the Home Rule Leagues — all had been content with it. He added: "There sits Mr. Patel, who represented the Congress before the Joint Parliamentary Committee. He stood by the Calcutta Resolution of 1917 that the realisation of full Responsible Government should be guaranteed in India within a period of 15 years. He accepted the 10 years Statutory

Committee, but it was only to inquire whether the 10 years' experience did not justify the immediate grant of full Responsible Government or whether another period of 5 years should elapse." He then reiterated the many grave obstacles in the way of the immediate grant of full Responsible Government, and went on to define the position of the Government. He said: "We maintain that the objective of the Government of India Act is as defined in that Act, namely, Responsible Government. We do not deny that full Dominion Status may be the corollary of Responsible Government. For the present we must limit ourselves to the objective of the Act. Secondly, we maintain the necessity, as the Act maintains the necessity, of the realisation of that ideal by stages; but we hold that the first stage of transitional Government has not yet been sufficiently tested. ... That is the definition of our position; now for the action we propose to take. ... We propose to make a serious attempt to investigate justifiable complaints against the working of the scheme in practice, to assess the causes, and to examine the remedies necessary. We claim that this must precede any general inquiry into the policy and scheme of the Act, or general advance within the Act itself. ... When we have our results, and those results are ready for presentation to Parliament, then, before they are finally presented to Parliament, we shall ask the Secretary of State to give every opportunity for discussion in this country both in the Legislature and elsewhere. That is as far as we can go at present."

After this exposition of the Government position by Hailey, Motilalji formally moved his amendment which ran as follows: "That the following be substituted for the original Resolution: 'This Assembly recommends to the Governor-General in Council to take steps to have the Government of India Act revised with a view to establish (ing) full Responsible Government in India, and for the said purpose:

- (a) to summon at an early date a representative Round Table Conference to recommend with due regard to the protection of the rights and interests of important minorities the scheme of a constitution for India; and
- (b) after dissolving the Central Legislature, to place the

said scheme for approval before a newly elected Legislature for its approval and submit the same to the British Parliament to be embodied in a statute.' "

Motilalji went straight at the Act. He said that the Preamble was bad and the whole Government of India Act was bad, that there was no particular sanctity in that Act and that what was wanted was the modification of the Act or its repeal — whichever might be necessary. He did not have any faith in conventions growing in course of time. He wanted our rights not only formulated, recognised and clearly admitted, 'and not only admitted and recognized but actually conceded to us.' He submitted that it would serve no useful purpose to cite what the Congress said before 1919. From that year we had demanded Responsible Government and declared that the Government of India Act was wholly inadequate and thoroughly disappointing. He pointed out that the real difference between the Government and themselves was that while they were prepared to take a Round Table Conference or a Committee or whatever other name was given to that body, they were not prepared to have the scope of that body limited. Government wanted it to be clearly understood that this body could not recommend full Responsible Government or Dominion Status. Motilalji then went on to disclose the fact that his amendment was not a cent. per cent. Swarajist amendment, that it had been 'considerably toned down to meet the wishes of friends who are not Swarajists in this Assembly.' He added: "Sir, we have come here to offer our co-operation, non-co-operators as we are, if you will care to co-operate with us. ... We are not here simply to wreck or destroy."

Jinnah thought that, if he understood the Home Member correctly, the Government conceded the necessity of a step being taken forthwith, but as he understood it, that step would be a scheme 'formulated by a departmental inquiry which will, *ex-hypothesi*, be framed in the secret conclave and the secret chambers of the Executive.' He could not reconcile himself to that step. He was in entire agreement with Motilalji's amendment.

Vithalbhai spoke after Abdul Quaiyum had made his speech in which, as he had said that he had confined himself 'to one or two points' that confronted him 'as a Mussalman and as a resident

of the North-West Frontier Province.' Vithalbhai naturally touched those points, at the beginning of his own speech. He said: "Mr. President, the last speaker made two points. His first complaint is that the Government of India Act has not been applied to his province and that the people of his province are treated as untouchables, and he wants to know the reason why. Perhaps the Hon'ble the Home Member will explain why his province has been treated as untouchable. So far as I am concerned, I would advise my friend to join the great Non-cooperation movement and there will be an end of it. If he joins the National movement, I promise him that there will be no difficulty in seeing not only that the Government of India Act is applied to his province, but full Responsible Government is conceded to his province. Let him therefore join us. ... The second point that my Hon'ble friend made was regarding communal differences in which he deferentially followed the Home Member and he pointedly drew attention to the speech of my leader, Pandit Madan Mohan Malaviya (not Motilalji. Vithalbhai also is speaking here not as a Swarajist but as a member of the Nationalist Party — composed of the Swarajists and Independents coming together), if I understood him aright." He asked the Panditji 'why are these communal differences not being settled although Pandit Malaviya has been trying to do (so) for ever so long.' Vithalbhai's answer to that question was: "Have Responsible Government, and the differences between the Hindus and the Muhammadans will be settled in no time" (was he right?). Then he asked Rangachariar whether he would adopt Motilalji's amendment, and obtained the reply that he (Rangachariar) was waiting to hear Vithalbhai, to make up his mind. Did this mean that while Motilalji was conciliatory, Vithalbhai might not be? Vithalbhai interpreted Rangachariar's reply to mean that he had an open mind. Then he proceeded to say why a conference — a Round Table Conference was demanded. That was because the *bona fides* of the Government were questioned. Actually there was very little difference between the avowed intentions of the Government and the National demand. Government insisted on stages and the Indian people would rather dispense with them. The difference

was so little that, if only the mistrust in the mind of the Government were removed, it could certainly be composed in a Round Table Conference. He thought that the atmosphere had become very favourable for an amicable settlement. The Labour Government had come into office, if not in power. They had now ample opportunity to put their professions into practice if they wanted to. And he added: "If they wanted to show their *bona fides*, here is the time. And, if the Government of India want to show their *bona fides* to the people of India, if they at all mean well by the people of India, I believe this is the most opportune time for doing so. Let them stand by the people of India. The non-co-operators have come into this Assembly. The atmosphere has changed. The Labour Party has come into office and, if the Government do not at this most opportune juncture come to the help of the people and stand by the people of India, then there can be no other inference but this that they do not mean well by the people of India. My suspicion about their *bona fides* will be confirmed." He made it clear that 'all that the Congress had accepted at Calcutta, at Bombay and at Delhi in December 1917, and in September and December 1918, respectively, was the policy underlying that announcement (the announcement of August 1917), namely, the establishment of Responsible Government in India', that the Congress had 'protested and protested very strongly against the imposition of any stages', 'against the suggestion that the measure and time of each advance was to be determined by the Parliament or the British Government', and that they had always looked upon the 'cautious and qualifying phrases' of the announcement as 'merely a commentary on the main portion of the announcement.' Speaking about Defence, Vithalbhai said: "Great stress has been laid by my friend the Hon'ble the Home Member on the question of defence. Yes, there is that question. Some of my friends do feel nervous about it. Speaking for myself and speaking as representing the Congress, I say here that we have fully considered the question and we find no difficulty whatsoever. Let us have immediate Self-Government. Let us have immediately Responsible Government. What is there in the army? Who controls the army at present? (and Belvi added: 'and who pays for it?') Does my

friend the Hon'ble Sir Narsinha Sarma take no part in the deliberation of the Cabinet which controls the Indian Army at present? Does not the Hon'ble Sir Muhammad Shafi take any part? Does not my friend the Hon'ble Mr. Chatterjee take any part? It is the Civilians forming the Cabinet that control the Indian Army. No one else. His Excellency the Commander-in-Chief is one of the Members of that Cabinet. But after all the general policy is being dictated by the whole Cabinet and that Cabinet, instead of being responsible to the Parliament, we say, should be responsible to the people of India. That is the only difference." When Vithalbhai said that in emergencies there was the existing army, Hailey interposed and asked: "Are the British troops there also?" Vithalbhai's prompt reply was: "I do not for the moment believe that the British officers and the British troops are going to leave India as soon as we assume the control of the army." He wanted them to stay, but he added: "Those who are opposed to the legitimate aspirations of the people of India and to their political freedom are not wanted. Let them go away. They are quite welcome to leave us and join the army of the unemployed in England." Hailey tried to corner Vithalbhai by asking him once more: "And you want the army here?" And when he replied: "Certainly, we want the army", Hailey asked him whether he still stood by the statement he had made in Bombay, viz. 'Within a year, happen what may, we are going to uproot the British administration and substitute for it the government of India by Indians themselves for Indians'. Vithalbhai denied having made that statement, and added: "I have always maintained that we want full Responsible Government as an integral part of the British Empire. We want to uproot *the present system of Government* and substitute instead our own." And when Hailey asked: "Did I invent that statement, sir?" Vithalbhai coolly replied: "You have got a department that invents such statements." He then summarised the issues and ended up with: "We are perfectly willing to co-operate with you. If you are not — I believe you are not going to — if you are not going to co-operate with us on those terms, then our course is clear. The whole world knows what our attitude is going to be. Let it be construed as a threat — some people might say that we are giving a threat to Government, if we talk of

offering obstruction and thereby wrecking the Reforms. Are the Reforms worth anything? I ask. ... What is the use of these Reforms when you can, under them and in spite of them, imprison forty thousand of our countrymen?"

Bipin Chandra Pal proposed an amendment which, in effect, asked for, within a year and as a first instalment, 'provincial responsibility to the farthest possible limits permissible under the Act.' Hardly anybody could be persuaded to accept Pal's amendment.

From the course which the debate on the question had taken, Hailey realised that the vote was going to go against the Government. He therefore now tried the usual trick of *divide et impera*, and, first of all, tackled Jinnah. He said that he had been told that there was no demand for immediate Self-Government and that he was fighting a bogey that he had himself created, and added: "I have Mr. Jinnah's assurance that I am wrong. It is possible that Mr. Jinnah himself, though for some reasons he seems to sympathise with those idealists who do ask for immediate Self-Government, does not ask for it himself. *But, Sir, since when has Mr. Jinnah been the custodian of the conscience of the Swaraj party?*" Jinnah reminded Hailey that what he had said was that the amendment of Pandit Motilal Nehru, worded as it was, did not ask for the establishment of immediate full Responsible Government — it required that immediate steps should be taken. Hailey acknowledged the moderation with which Motilalji had explained his case, but that was not enough for him. He wanted to be told definitely whether the demand for immediate Self-Government had been give up, and in order to ascertain that he would not look only to the floor of the House, but would look beyond it. He wanted to know if the Swaraj Party had given up the demand which they had made in their manifesto of October last, and if they had not given up that demand, *then they should not claim* under the cover of that Resolution, *the votes* of those who had never accepted and never would accept their manifesto of October last. He could understand Motilalji's appreciation of the need of moderation in statement, but he asked, 'what of Mr. Patel? I must plead guilty perhaps of irritating Mr. Patel into the confession that he would prefer after all to retain the British troops in this country.' After a silly altercation with

Vithalbhai about what he had actually said in his speech, in a reported translation of it in the Bombay Chronicle, he came back to his earlier demand: "If you have given up the demand for immediate Self-Government...say so.... If not, we must assume, and the British Government must assume, that the bulk of the Swaraj Party in this House and outside this House still stands for their manifesto of October last." Motilalji then offered a personal explanation. He said: "The Swaraj Party still stands and will stand for what it said in that manifesto. I do not admit that that manifesto is in any way inconsistent with the amendment which I have proposed to the Resolution of my friend Mr. Rangachariar. But whatever the Swaraj Party may say outside, and whatever its future intentions may be, after this Government has given its decision, with regard to its own course of conduct, that is entirely beside the question. The only issue now before the House is whether this Resolution or the amendment which I have put before the House commends itself to it or not, not what the Swaraj Party may do or what it may feel."

Hailey was determined not to be silenced — was determined to create a split if he could. So he quoted the following from Motilalji's 'own organ': 'Our aim is to destroy the reform scheme as a whole. We must steer clear of the fatal temptation of accepting a compromise as the prize of victory', and added: "My friends on the Moderate and Independent Benches opposite will now know exactly to what they are giving their votes." Then he quoted another statement of a similar nature from a Madras organ, and said: "Again my liberal friends opposite, who are sentimentally attached to the proposals of the Hon'ble Pandit, will know what exactly it means. As I say, I will take a declaration from Mr. Jinnah that he does not mean an immediate demand for Self-Government. But, I require greater certitude than that, if I am to accept the amendment at its face value." Jinnah repudiated the suggestion that he had made that declaration. Nothing daunted, Hailey went on to assert that both Vithalbhai and Motilalji demanded immediate Self-Government — Motilalji in a concealed form and Vithalbhai more directly. Motilalji once more tried to clarify the position which Hailey was determined not to understand. Motilalji said: "I want to make it clear that the posi-

tion of the Swaraj Party outside this Assembly has nothing whatever to do with the amendment which is now before the House. The Swaraj Party stands for what it has always stood (for), and I do hope and trust that it will continue to stand for it. But this, as I pointed out in my speech, is an amendment considerably toned down to meet the wishes of friends who were not prepared to go as far as the Swaraj Party. The amendment is before the House and it is for the House to give its opinion on the amendment." Hailey's reply was: "What it really comes to is this, that the Swaraj Party has inscribed on its banner exactly the same motto as it bore in October last, but for the moment that banner has been conveniently furled, in order that the sight of that motto might not shock the nerves and possibly alienate the votes of their somewhat weaker brethren in this House. If that is the case, it is only right that those I have, with no sense of disrespect, described as their weaker brethren should know exactly what are the intentions of that Party."

Madan Mohan Malaviya now intervened in the debate. He said: "I wish to have one point made very clear. Is the Hon'ble Member replying to the debate on the amendment as it has been put before this House, *which amendment is not an amendment put forward by the Swaraj Party but by the Nationalist Party which consists of over 75 members of this House*. If so, is he right in dealing in his reply with speeches which were made outside this House, with ideas which might be entertained by some people outside this House? I want the Hon'ble Member to reply in his speech on the amendment which is before the House and which asks for only one thing, namely, that steps be taken by way of convening a conference to consider how the Act of 1919 should be revised in order that full Self-Government should be established in this country. As to the date when it will be established nothing is stated in the amendment. The conference might recommend its establishment within twelve months, to the satisfaction of us, Indians, or it might recommend its establishment after three years. That is a matter left for consideration by the conference. I ask the Hon'ble member to deal with the matter which is before the House and not evade it by quoting speeches which were not delivered in this House."

Hailey asked Malaviya, if he wised to circumscribe him in the scope of his arguments, *whether Vithalbhai had not made his speech there in the House*. Malaviya retorted that nobody objected to his having dealt with that speech; and Vithalbhai ejaculated: "I shall urge the same view before the Round Table Conference as I urged here. I stand by my statement."

After the way in which Hailey behaved in this debate, it was natural that he should have been constantly interrupted. The President had to intervene and say: "The Hon'ble the Home Member is perfectly capable of protecting himself from ordinary interruptions, but not against these organised volleys." Any way this was not Parnellite obstruction. Undeterred by the advice he was given to stick to the amendment before the House, Hailey now referred to the Gaya Congress Resolution which called for the repudiation of India's debts, and Vithalbhai reminded him that the debts referred to there were 'future debts.' Hailey said he was also referring to future debts, and added: "My astonishment is that after the Congress had passed such a Resolution, any honest man should still belong to it." Then Hailey brought himself down so low that he made a filthy attack on Malaviya, suggesting that he had asked the Hindus to organise a party of physical force to protect them against the Muslims. Malaviya exposed him for having misrepresented him.

In this debate Hailey behaved as he behaved in no other debate, and brought insinuations against many a respectable member of the House, but his most favourite target was Vithalbhai, whom he called 'the invaluable Mr. Patel' for supplying him with the assertions on which he could rely for his contention that the proposed Round Table Conference was intended not 'to find a remedy for the problems which beset our future', but to 'ratify the demands of himself and his friends for immediate Self-Government.'

What Hailey promised in the end, with the full authority of His Majesty's Government was a 'full investigation of any defects or difficulties which may have arisen in the transitional constitution.' And he added: "If our inquiry into the defects of the 'working of the Act shows the feasibility and the possibility of any advance within the Act, that is to say, by the use of the

rule-making power provided by Parliament under the Statute, we are willing to make recommendations to this effect. But, if our inquiry shows that no advance is possible without amending the constitution, then the question of advance must be left as an entirely open and separate issue on which Government is in no way committed.'

Bipin Chandra Pal's amendment was first negatived, and then Motilalji's amendment was taken in three separate sections, the first laying down a principle, and the other two suggesting the procedure to be followed in furtherance of that principle. All the three sections were adopted one after another, and the resolution, as thus amended was put to the vote. The result of the division was 76 Ayes and 48 Noes.

The carrying of this Resolution was the first important achievement of the Swaraj Party. It may, however, be remembered that this success was the result of a combination of all the opposition parties in the House — the Swarajists, the Independents and even the Moderates. So long as all these parties worked together and to the extent to which they did so, they were sure to carry everything before them. It was inherent, however, in this arrangement that there should be a certain toning down of the Swarajists' demands. This achievement is dated the 18th of February, 1924. On the 19th, Vithalbhai moved his Resolution on the return of Horniman to India. The Resolution read as follows: 'This Assembly recommends to the Governor-General in Council that steps be forthwith taken to remove all restrictions in the way of Mr. B. G. Horniman to return to India.' Vithalbhai started with a statement that he felt that the Home Member was going to deal fairly with this Resolution and that therefore he might not be required to make any very lengthy comments in support of it. He quoted a passage from Mrs. Besant's foreword to Horniman's Speeches and Writings to indicate to the members of the House who Mr. Horniman was and why he was deported. What Mrs. Besant said about him was this: "Mr. B. G. Horniman. . . . is one of those all too few Englishmen who carry their British principles with them when they come to India and who keep them in the open air during the years of their stay in this land. ... He feels, as though inflicted on his own

person, the wrongs suffered by the Indian, and with passionate insistence seeks to arouse in the injured the courage to assert their God-given manhood." "He was deported," Vithalbhai said, "because he was a lover of liberty. He was deported in April, 1919, under the Defence of India Act, Section 2, Rule 3. The grounds on which he was deported were not specified in the order, but about a month after the event, in a debate in the House of Commons, on the Indian Budget, Montagu gave two reasons for that order: one was that the *Bombay Chronicle* of which he was the editor had published certain false news about the use of soft-nosed bullets by the British troops during the riots in Delhi; and the other was that the paper was distributed free among the troops with a view to exciting disaffection among them." All attempts made by Horniman and his friends to have either a public trial or some opportunity to disprove those false charges had failed. The deportation order had been given under the Defence of India Act which was repealed three years before Vithalbhai moved this Resolution. Horniman had actually remained deported for four years and nine months, at the time, in effect. What had happened was, that, acting on the advice of the authorities in India, in particular Sir George Lloyd, the then Governor of Bombay, the Secretary of State had refused to recommend the giving of a passport to Horniman." Vithalbhai took occasion here incidentally to say how Sir Leslie Wilson, the successor of Sir George Lloyd, was a much juster Governor, how he redressed the grievances of the Borsad Satyagrahis in regard to the punitive tax. "Anyway", Vithalbhai added, "true to their traditions the Government of Bombay or the Government of India have not so far cared for public opinion in this matter, as in many other matters. I leave the matter entirely in the hands of the non-official members of this assembly for such action as they like."

Dumasia and Maulvi Abul Kasem and Gaya Prasad Singh strongly supported Vithalbhai. Hailey, on behalf of the Government, pointed out (what was already indicated by Vithalbhai) that there was then no order of deportation against Horniman (the Defence of India Act having been repealed), and that all that was needed then was that he should be given a pass-

port before he could come to India. Hailey added that the reasons why Horniman was deported were not confined to the charges which Vithalbhai had mentioned and that they extended to the whole course of his conduct of the *Bombay Chronicle*, but as that order was no longer in existence he would not go into that question. Further the real venue for decision in regard to the issue of the necessary passport was in England and not in India. Of course the Government of India would be consulted, and the Government of India would consult the Government of Bombay, and the Government of India would attach great importance to the opinion of the Government of Bombay, and the Secretary of State to the opinions of the Governments of India and Bombay.

Jinnah said that Hailey appeared, 'as if he was pleading before a third class magistrate', and that he had displayed no sense of responsibility in the matter, and proved that Horniman was deported on false fabricated allegations. Jamnadas Mehta asserted that the most important reason why Horniman was deported was that he refused to belong to the ruling caste of India, and then referring to the Round Table Conference, which was exposed by Horniman, accused Meston, Marris, Chirol and Curtis of having 'concocted', and being 'responsible for, that document of conspiracy against the liberties of the Indian people.' Hailey was irritated, but he had hardly any defence. Mr. Wilson did not want Hailey to be the only speaker against Horniman, and therefore said: "We Englishmen are jealous of the character of the Europeans who come to this country and occupy public positions, and I only wish before I sit down, Sir, to say that I know no Englishman of standing today who has a single good word to say for Horniman." Speaker after speaker took the Government right and left on this question, so that in his reply speech, Vithalbhai was constrained to say: "I do not desire to add to the embarrassment of my friend the Hon'ble the Home Member by adding anything more to what has already fallen from my friends here." The point, however, which he particularly made in that speech was that here was the *raison d'être* of the Swarajist's programme of obstruction — what he said was this: 'I knew what was coming and the question for us on this side

of the House to consider is, what are we going to do? Shall we go on passing Resolutions? We will pass this Resolution and any number of other Resolutions, but how are we going to enforce them? That is the question of questions for us. We are told times without number to rely upon the reason and the sense of fair play of Government. There is every reason and there is all fair play in the arguments which have been advanced today in support of this Resolution. An irresistible case has been made out, but Government remain unyielding. So the question now for us is, what are we going to do? I hope this debate, if it does any good at all, will do this much good, that it will help those friends of mine who are still considering whether they should accept the Swaraj Party's programme in making up their minds."

The Resolution was adopted without a division.

The only part that Vithalbhαι played in Malaviya's motion for adjournment (which was ultimately ruled out of order) to discuss the occurrences at Jaito (in the Nabha territory) on the 21st February 1924, was in showing up the equivocation of Hailey in reply to Malaviya's query about whether Mr. Wilson Johnston, the acting Administrator of Nabha, had gone to Delhi two days before the occurrences at Jaito to take instructions regarding what might happen there. Malaviya wanted the Government of India to accept the responsibility for those occurrences, and Hailey, in effect, wished to avoid giving a straight reply. So Hailey said: "He was in Delhi some days before — certainly not two days — but some days before." Vithalbhαι asked "Was it in this connection?" That was the point at issue, and Vithalbhαι would not allow Hailey to evade it.

On Kasturbhαι Lalbhαι's Resolution on the abolition of the Cotton Excise Duty, Vithalbhαι's part was still smaller, but quite significant. After the debate on that Resolution had gone for some time, Neogy moved the adjournment of the further consideration of that Resolution. Neogy's reasons were (1) that even if that Resolution was adopted, the Government would not give effect to it during the next financial year, and (2) that the House was anxious to reach the other Resolutions that followed. In the course of the debate on this adjournment, Sir Charles Innes (the Commerce Member) referred to an article that he had

read which stated 'that this House was so engaged in the political struggle at Delhi that they subordinated to these political interests all financial and commercial considerations.' Innes went on to say: "That is precisely what the House proposes to do today. If this motion is carried, I think it is wrong....."

It was here that Vithalbhai interjected: 'It is the right thing to do.'

The supporters of the amendment were being charged with being unfair. Motilalji's answer to that charge was: "As to what is fair and what is not fair, when everything is done according to the rules it is very difficult for any one to say."

The motion for adjournment was passed with 61 Ayes and 49 Noes. Even on the Resolution about the Repeal of Bengal Regulation III of 1818, Vithalbhai's part was limited to two minor interruptions, though he was very much present in the Home Member's mind. The first of his interruptions was to Sivaswamy Aiyer who was confusing Ranga Iyer's amendment with Misra's and Vithalbhai corrected him. The second was when Hailey in the course of his cautious attack on the Non-co-operation politics said: "I merely say that we can prove, and prove beyond any shadow of doubt that the Act (Criminal Law Amendment Act) was necessary in many cases to deal with large bodies of men who, whatever their motives, were really a danger to the common peace." And Vithalbhai interjected: "The United Provinces Congress Committee as a body?" Hailey was not silenced by this remark. He retorted: "I would rather that the Hon'ble member referred to the Committee of the Congress which reported on Civil Disobedience. He was a member of it. That Committee of course made a full admission of the lack of discipline and in some cases the undesirable character of the associations against whom we used the Act."

That Vithalbhai was present in the mind of Hailey during this debate can be seen from the following remarks of his: "And finally there is no doubt that the motion will be highly popular with one section of the House (Swarajists) at all events — I mean the section which, however carefully it at first concealed its intentions, is now quite clearly determined that it will resort to what it calls mass agitation, to which we would give

a more sinister name. *I see here the inevitable nod from Mr. Patel*, which confesses to the determination of his section to indulge in a policy which every lover of orderly advance should condemn; for we have had in the past bitter experience of its results."

The most memorable feature of the 1924 Session of the Assembly was the treatment given to the Budget by the Swaraj Party. In the general discussion of the Budget Vithalbhai's part was limited to an interjection in the middle of Chimanlal Setalvad's speech. Setalvad referred to the political crisis created during the previous session by the certification of the Salt Tax, which, as the event proved, could have been avoided. Setalvad contended that the result of that mistaken policy was that Government was now face to face with a party that wants to obstruct, and face to face with the possibility of their whole Budget being thrown out. He took the Government to task for discrediting the Liberals and the Independents in the eyes of the country by that unwise action. Here Vithalbhai interjected: "And yet you will help them." Vithalbhai availed himself of this opportunity to tell the Liberals that their policy of co-operation with such a Government was wrong. Vithalbhai took a prominent part during the second stage in the discussion on the consideration of the Demands of Grants. The very first Demand was the Demand in respect of 'customs.' Gour moved an adjournment of the debate for three days. The motion being of a dilatory character, and the proposer having a chance, later, on the motion that the Finance Bill be now considered, the President having the right either to accept the motion or not, refused to accept it. Then there were several amendments to the motion, all of which, except one, asked for reduction varying from Rs. 100 to Rs. 12 lakhs. The one exceptional amendment was Motilal Nehru's, and it asked for the omission of the whole Demand. The first motion on the order paper was for the reduction by Rs. 100 and the second for the omission of the whole grant. Hailey pointed out that, apart from the fact that the omission for the whole grant was a direct negative, that motion could not be taken if the motion for reduction by Rs. 100 was accepted. He therefore asked for a ruling as to the order in which the differ-

ent motions should be considered. Motilalji submitted that his motion for the omission of the whole grant came quite clearly within sub-clause (2) of Clause 131 of the Legislative Assembly Manual of Business and Procedure, and as to the order in which the various amendments should come, it was for the President to decide it. He added that if his motion was in time and proper, his right to move it could not be affected simply because the printer had chosen to print it as No. 2 and not as No. 1. Hailey said that he was not questioning the right, he was only asking how it could be done. Vithalbhaji said that they (Swara-jists) thought that if they did not give the notice of a motion to omit any grant, it might be that Standing Order No. 72 could be so construed as to debar them from moving any such motion, and that it was because of this view that they gave that notice. After some discussion about the relative merits of the two courses open to the House, it was decided that Motilalji should move his amendment first. He made his position plain at the very outset by declaring that his grievance was not 'against this or that branch of administration', but that it was 'against the entire administration of the Government of India', and that he had selected 'Customs' simply because it happened to be the first item on the list of grants. He also made it clear to the House that his reason for this course of action — which was perfectly constitutional and legitimate and had nothing to do with 'the wrecking or destroying policy of the non-co-operators' — was the unsatisfactory nature of the response which had been made to the Resolution demanding Responsible Government in India.

In his speech on this motion, Vithalbhaji maintained that not only was the step they were taking a constitutional step, but they were almost in duty bound to take it, under certain circumstances. The question was whether such circumstances had come into being. He maintained that they had. After 150 years of British Rule, the average annual income of an individual in India was hardly Rs. 30, pestilences of all sorts, plague, cholera and the like, carried away millions of people every year, poverty was so rampant that millions of people had to live on one meal a day, the progress of education had been so slow that not more than five per cent. of the people

could read and write, the whole population was disarmed, and we were told that we were not ready for defence. Because of the fact that the real representatives of the people non-co-operated with the express or implied sanction of the so-called representatives of the people, the bureaucracy had been able to send to jail 30,000 to 40,000 of the best of our countrymen, including men like Mahatma Gandhi, Lajpat Rai and Maulana Mohammad Ali. He added: "This was the fruit of the working by some of my countrymen of these reforms. Now, we want to show once and for all that we are no party to the carrying on of this administration. You may carry it on, on your own responsibility. I am absolutely certain you would not have been so hard-hearted yourself if you had the sole responsibility. If you had to carry on the administration on your own responsibility, you dared not have done all that you did during the last three years. Fifty crores of new taxation with the consent of the so-called representatives of the people! That is what you did. And now we are here in this House to stand between you and those who had hitherto co-operated with you to the great detriment of this country." Then he went on to define the attitude of the Swaraj Party. Motilalji's Resolution was a demand for self-determination. As that was not granted they felt that the time had now arrived when they should refuse supplies and thus dissociate themselves with the carrying on of the administration. They wanted the Government to carry on the administration by veto and certification. They wanted the Government to treat the Government of India Act as a scrap of paper, 'which I am sure it has proved to be.' What follows: 'We want you either to accede to our demands or to drive us to the mass movement.' He then referred to 'the very first sentence in my manifesto': 'I stand as a candidate for the Assembly, and, if I be elected, I shall endeavour to the best of my capacity *to embarrass and to obstruct the bureaucracy* by all peaceful means, by all legitimate means, unless and until the national demands are conceded to the satisfaction of the Indian National Congress.' Jamnadas Mehta ejaculated: "At every stage and at every step." Vithalbhai accepted the correction, but hastened to add: "*I wish my Hon'ble friend Pandit Motilal allows me to do so. That is my*

difficulty. Constitutional obstruction is our very creed. If you do not concede our demands, then we throw out the Budget. We obstruct you in every possible manner and it is then for you to decide whether you will drive us to go in for mass movement. You will have to decide whether you will take the responsibility of driving us to the launching of a nation-wide movement of non-payment of taxes or whether you will reconsider your position. There will be one more chance for you. Throwing out the Budget does not necessarily mean that from to-morrow we are going to start the movement of non-payment of taxes. I am not at all sure that my people are not ready for it. I am not at all sure that they are not ready. I have been disagreeing with some of my friends on that question. We had the movement of non-payment of taxes in Kaira district some four or five years ago. The whole district refused to pay land revenue. You had the movement for non-payment of some punitive tax only the other day in the *whole taluq* of Borsad, and it was that mass movement in the *Borsad taluq* that drew the attention of the new Governor of Bombay, who at once sent his Home Member to make inquiries. You do not care to hear our petitions: you turn deaf ears to our requests; you do not care for our protests; you do not care for our Congress Resolutions. What are we to do?" The crux of the matter, he thought, was mutual distrust, and the solution was a Round Table Conference. He went on to say: "You are now calling my friend Pandit Motilal Nehru a very reasonable man. You say 'what a reasonable speech he has made; he is very reasonable. Patel is a bad man.' It is only when you came together that you found out that Pandit Motilal was a reasonable man. But two years ago, in 1921, he was worse than Patel. He was a terrible man. You locked him up for six months. ... It is because the same Pandit Motilal Nehru is here now that you have come to know him. Let us know each other. That is all that I want. If you do not, the Pandit of 1924 will be the Pandit of 1921. Let us therefore sit down and decide what we want." And he ended with a warning: "We are here to give you a warning that unless you are prepared to mend your ways and come to terms with us, *the Treasury Benches will no longer remain a bed of roses.*"

During the discussion on this demand there were not a few references — some direct and some indirect — some complimentary and some uncomplimentary — to Vithalbhai as an arch-enemy of the Government. Bipin Chandra Pal, for instance said that Pandit Motilal was a very reasonable man except when he was in the company of very young people. Belvi referred to his Hon'ble friend Mr. V. J. Patel, as one who 'said to the face of the bureaucracy here that he challenged the *bona fides* of the bureaucracy in this country.' Sivaswamy Aiyer coupled Motilalji with Vithalbhai as the two men whom the people at large will blame if the Government complied with their wishes, and then proceeded to say specifically of Vithalbhai: "The Hon'ble Mr. Patel expressed the opinion and gave us the advice that we should try and put the Government in the wrong." Dumasia, who was of course against the motion said: "Today I am fortified in the position that I have taken up by the attitude which my Hon'ble friend, Mr. V. J. Patel, took up a few weeks ago in the Bombay Municipal Corporation. A question came up for the exemption of the Municipal Corporation from the stamp duty on certain documents. At that time Mr. Patel got up and said, 'the administration of the country should be carried on. It must be carried on, and for that purpose Government must have revenue.' Therefore, Sir, I today take up the position which Mr. Patel did in the Bombay Municipal Corporation. I hope he will not think that I am not justified in that position." Vithalbhai of course intervened and said: "On a point of personal explanation, Sir, my friend has wholly failed to understand me, as he generally does." Dumasia alluded to Vithalbhai once again, before he finished his speech: "When Mr. Patel went to Nagpur, we all admired his courage, because we thought that he was going there to court arrest and suffer imprisonment. But what did he do there? Sir, he co-operated with the Governor there, and with his co-operation he succeeded in having the matter settled at Nagpur." Vithalbhai intervened and said: "I am perfectly willing to co-operate even now, *but on my terms*" And Dumasia went on to say: "I am very glad to hear he believes in the efficacy of co-operation and is willing to co-operate on his own terms; but as regards those terms, one

should decide whether they are reasonable or unreasonable. ... Here is Mr. Patel who says he wants immediate Swaraj, other people say that it is not so." Vithalbhai interjected: "I want to have the right to decide for myself what I should have." Chatterjee also alluded to Vithalbhai: "My Hon'ble friend opposite, Mr. Patel, just now said...that, if this Resolution is adopted, he would address himself to a mass movement similar to what had taken place in 1921. At least I understood him to say so." And Vithalbhai interjected: 'Certainly'. After going on with his speech for some time, he said: "I do hope, Sir, that my Hon'ble friend, Mr. Patel did not realise the implications of what he said a little while ago. I am quite sure," he added, "that my Hon'ble friend here, the Hon'ble Pandit Motilal Nehru does not want to go back to the 1921 programme." Motilalji had to intervene here: "On a point of personal explanation, Sir," he said, "May I say that there is not a word that has been uttered by Mr. Patel which does not represent the opinion of the Swaraj Party and, as a *Swarajist*, I do not dissociate myself from anything that he has said. There is only a difference of language. I chose to use my own words and he chooses his own." Chatterjee's retort was: "I certainly did not understand the language of my Hon'ble friend to my right (Motilalji) to mean what the language of my Hon'ble friend opposite (Vithalbhai) meant." Motilalji explained that they were not expressing the same idea, and Chatterjee said: "Quite so, I say the ideas are different. You do not want to get back to the 1921 programme. No Indian wants to go back to the 1921 programme." Vithalbhai interjected: 'Then give us what we want.'

The motion was adopted with 63 Ayes and 56 Noes.

The next Demand was for 'Taxes on Income'; and Vithalbhai moved that it be omitted. As it was not permissible, under the President's ruling to reopen the general discussion on any of the Demands now, Vithalbhai contented himself with placing this motion before the House without making a speech.

The motion for the omission of this Demand also was adopted, but with a reduced majority — 61 voting for and 60 against.

The next Demand was in respect of 'Salt'; and Duraiswami

Ayyangar moved that that Demand be wholly omitted. The motion for omission was passed with 62 Ayes and 53 Noes.

The fourth Demand was in respect of opium. Several members asked for adjournment. The President put the motion to the House and said that the Noes had it. Votes *for* the Demand were 57 and *against* 62, so the motion was negatived.

These first four Demands were thus negatived on the 10th of March, 1924. On the 11th, before the House entered on the discussion in respect of the remaining Demands, Motilalji made a statement of the position of the Nationalist Party in regard to the Demands for Grants, and Jinnah endorsed it. He said that he was speaking as a member of the whole Nationalist Party and not of that section of it which consisted of Swarajists, and that the step they had taken was no part of what was called the wrecking policy generally attributed to that section; that by refusing the first four Demands they had established the principle which they desired to establish, and that they would now let the discussion on the remaining Demands proceed in the ordinary course. Vithalbhair himself took no part whatever in the debate on the 60 Demands that followed the first four. At the third stage, Malaviya moved the rejection of the Finance Bill and Motilalji supported the motion. Vithalbhair's part was limited to a few side remarks. The Bill was thrown out, the Ayes being 57, and the Noes 60. The Bill came once more to the Assembly in an 'emasculated' form, as recommended by the Governor-General and included, in the words of Basil Blackett, only such items as were, in the opinion of the Governor-General, essential that year 'for the safety, tranquility or interests of British India.' It was, of course, rejected once more.

On the 27th of May, 1924, Vithalbhair asked why Government were unable to carry out the recommendation of the Assembly in respect of the release of Hazrat Mohani, and was told that the reductions in his term of imprisonment granted to him by the Government of Bombay adequately met the case.

On the same day, Muddiman made a statement on the Report of the Lee Commission, the gist of which was that the Secretary of State would take decisions only on matters of urgency incorporated therein, before it came up for discussion in

the Assembly. Vithalbhai asked whether the Government would be pleased to convey to the Secretary of State (Gour had suggested the same thing) the desire of the Assembly that no action should be taken on the Report without an opportunity being given to the Assembly to express its opinion on the various recommendations. Muddiman's reply was that Government had not till then an opportunity of ascertaining *the wishes of the Assembly* in the matter. Vithalbhai asked whether Government were in any doubt about the desire of the Assembly. Muddiman's reply was that they were aware of that. Why then, asked Vithalbhai, not convey that wish to the Secretary of State. Muddiman had no reply, and yet he appeared to make out that as the House had not passed any Resolution in the matter he could not take it that the House had expressed any opinion in that matter. Vithalbhai then asked if the Government wanted to drive the House to move an adjournment to express their opinion. Muddiman said that that was not the desire of the Government of India. Ultimately Jinnah's suggestion that the Leader of the House should communicate to the Secretary of State that that was the desire of a very large body of the non-official members was accepted by Muddiman. On the 30th May, the President announced that he had received a notice from Acharya of a motion of adjournment. On Muddiman's promise, after much hesitation, to formulate the possible urgent points in the Report and to place them at an early date for discussion before the House, the adjournment motion was withdrawn. In the course of these negotiations, when Muddiman was expressing the utmost hesitation to pick up the urgent matters in the Report, Vithalbhai asked whether he had not read the Report and was told that he had. The question was once more discussed on the 5th of June, and the Report ultimately came up for discussion on a Resolution moved by Sivaswamy Aiyar, on the 9th of June. Before then, Muddiman had communicated with the Secretary of State, and had received some instructions. He could therefore, on behalf of the Government of India and also of the Secretary of State, give a pledge that no decision *on any question of principle or policy* would be arrived at till the House had had an opportunity, in

the September Session, of examining the matter; but he also added that he could give that pledge on the understanding that the House passed a Resolution then and there, substantially in the terms of the Resolution as moved by Sivaswamy Aiyer. This Resolution was in three parts, the second of which became a bone of contention. It indicated that such relief as may be eventually decided upon would be given to the services retrospectively with effect from the 1st of April, 1924. Rangaswamy Iyengar asked Muddiman whether they were the Secretary of State's instructions, and Muddiman replied that those were his views. Vithalbhai promptly asked whether the Secretary of State had expressed the view that 'a Resolution should be passed in the terms in which Sivaswamy has moved it', and, in effect, Muddiman answered in the affirmative. Then there were other matters in dispute. As Vithalbhai put it, there were three schools of thought in the Assembly — one school which would have the Report discussed on its merits, apart from the question of constitutional advance; the whole point of the second school of thought was that the Secretary of State should be apprized of the sense of the Assembly that this was a matter which could not be separated from the question of constitutional advance, but that if the Secretary of State thought otherwise, they would discuss the Report on its own merits; and the third school of thought held that the Report should under no circumstances be considered on its merits apart from the question of constitutional advance. Vithalbhai, of course, represented this third school of thought. He started with accusing Government of wanting some price for the postponement of the consideration of the Report, and said that that price was indicated in part (2) of Sivaswamy Aiyer's Resolution. After describing in some detail the three schools of thought, he specifically turned to the third school which he represented and said: "They (this third school) strongly feel that the manner in which this Report has come before this House for consideration is simply scandalous, to say the least of it. Members will recollect that the last Assembly, when the announcement for the appointment of this Commission was made, moved an adjournment of the House for the purpose of discussing the said announcement. They carried that motion for

adjournment, thus making their protest against the appointment of any Commission. Not only that, they went further. When the Government came forward with a demand for a grant of three lakhs of rupees for the expenditure of this Commission, the last Assembly again repeated their protest in spite of the entreaties of the Government Benches, by refusing the demand for grant. I have gone through the proceedings on that occasion, and I find that some very moderate members of that Assembly had stated that, if in spite of their protests the Commission was going to be thrust on this country, then the country was not going to co-operate with that Commission. Such was the manly stand that the last Assembly took. Now I put it to this House, this House which claims to be more representative than the last Assembly (an Hon'ble member: "Question"): What attitude should they adopt on this question? The question really is, when the last Assembly had more than once entered their protest against the appointment of the Commission ... then is it right for this Assembly now even to think of considering this Report? This is one ground on which, in the opinion of some members of this Assembly, this Report should be thrown into the waste paper basket. But there is another and stronger reason why this Report should not be considered at all by this Assembly. If this House desires to be taken seriously on the question of Constitutional Advance, then I say this Report should not be considered by them at all. Remember what we did in the Delhi Session. We passed a Resolution asking for a Round Table Conference for drafting a scheme of Self-Government. We passed it by an overwhelming majority. Government did not respond to the satisfaction of the Assembly, and what attitude did this House then take? (Shamlal Nehru: "They gave an official committee".) Yes, this House considered the announcement made by Sir Malcolm Hailey, the then Home Member, regarding the appointment of that Committee, and thought that the announcement was an insult to this House, with the result that this House decided to refuse demands for grants (Basil Blackett: 'They did not do it.') They refused four grants, and when further demands for grants were made they said, 'Yes, you want to spend so much money on certain departments, all

right, spend it, we have no objection'; but when you came with the Finance Bill, they said, 'No, thank you. We cannot pass the Finance Bill and thus supply funds to you. *We did not promise you money*, you asked our permission to spend and we said we had no objection, by all means spend. But we cannot give you the money. You have for the last 150 years drained the country and you might as well spend from that.' The Finance Bill was rejected. Such was the manly, courageous stand which the Assembly took. I put it to the House: Are you going to be consistent with that attitude which you took in February and March? If you want to be consistent, if you have any self-respect, the only course open to you is to refuse to consider the Report of the Lee Commission. I feel, however, that the Government must be congratulating themselves to find that *the Assembly is by degrees going down and down and gradually giving up that fight which they began in the February and March meetings of the Assembly*. (Cries of "No, no.") Facts are facts. This is my feeling from my experience of this session. I shall be glad to find that I am wrong. I submit that no member who was a party to the rejection of the Budget could think of discussing this Report apart from the question of Constitutional Reforms. Self-respect and the dignity of the Assembly demand that this is the only right course for the Assembly to adopt." Before he sat down, Vithalbhair urged upon the attention of the House one other matter. He warned the Government and the Assembly against the creation of any fresh vested interests, and said: "At the earliest possible opportunity the country, which I venture to submit, is not fully represented here will repudiate any such vested interests. You are mistaken if you think you are merely concerned with the consent or assent of this Assembly. Remember that there is such a body as the Indian National Congress." "The only solution of this impasse", he added at the end of his speech, "is for some one to move that the further discussion of this Resolution be adjourned till the September Session." He himself, however, would not move the adjournment. His suggestion was ultimately accepted and further discussion of the Resolution was adjourned. In fact this Resolution was now left in the cold storage. On the

10th of September, 1924, Muddiman, moved a fresh Resolution which, in effect, asked the Assembly to approve, in principle, the recommendations of the Lee Commission. Later, in the day, Pandit Motilal Nehru moved what he was keen on being understood as the 'Nationalist amendment', and not a Swarajist amendment, to this Resolution of the Government. The discussion on this amendment, which was in two parts, went on for three days, at the end of which (at 7 p.m., on the 12th of September) it was put to the House in three parts — the first part itself of Motilalji's amendment being divided in two parts. The first of these, which recommended to the Governor-General in Council that, for the reasons stated in the amendment, the Recommendations of the Lee Commission be not accepted, was passed with 68 Ayes and 46 Noes; the second part, which recommended that certain steps be taken for the future recruitment and control of the services, was passed without a division, though Motilalji asked for a division on it. The President said to Motilalji that he was 'challenging a division on an issue on which he has had the unanimous vote of the House.' Motilalji told the President that it was not a unanimous vote and that he did hear some Noes. But that notwithstanding, the President said that the division was not challenged. The third part, i.e., the second part of Motilalji's amendment, which recommended, under certain conditions, the consideration of the grievances of the actual incumbents, was adopted unanimously. Vithalbhai had no intention to take part in this debate, as he had expressed his views on the Commission's Report at the May meeting, but because he heard now from all sides nothing but 'high appreciation of the great work and the good work that the services have done in this country all these years', he thought that he was in duty bound 'to present the other side of the picture.' He asked the House to judge the services by the result. He asked them to note that this country, which was one of the richest countries in the world before the Britishers came here, had now become the poorest country that existed on the surface of this earth; that the average annual income of an individual in India was now no more than £2; that millions of people of this country had to live on one meal a day; that the average life of an

individual was 23 years; that the percentage of literacy was no higher than 6; that, after this 150 years' rule of the Services, we were told that we were not fit to govern ourselves; that our industries were destroyed beyond redemption; and that the whole population was disarmed and emasculated. In spite of this, we were being told that the Services were most efficient. With this introduction, Vithalbhai proceeded to the Report itself and said: "My position is this. I really do not care to look at this Report and to examine it on its merits even if you supply me with the evidence which has been taken in camera. I shall have nothing to do with this Report, *unless and until the constitutional question is settled*. What I want is *the power to give* the increases to the Services. I do not want *the power to recommend*." He then quoted several instances, and said that he could quote several more of the recommendations of the Assembly having been thrown on the scrap-heap by the Government. He then went on to explain what exactly was the stand which Motilalji's amendment asked the Assembly to take: "By the first part of his amendment my friend Pandit Motilal Nehru clearly maintains that all the recommendations of the Lee Commission should be rejected. ... The second part of the amendment is in my opinion the reiteration of the demand for Self-Government. ... The amendment demands the stoppage of all recruits from England, the control of all the Services by the Assembly through the Government of India and the Local Governments concerned. It demands the Public Services Commission to be instituted with functions to be determined in accordance with the recommendations of this Assembly and it further demands the control of Services, their pay, their pensions and other concessions to be regulated by the Government of India and the Local Governments according to laws to be passed by this Assembly and the local Legislatures respectively. ... I want to make it perfectly clear once again that this amendment, if it means anything at all, means that we want the Services to be controlled by the Government responsible to the Legislature. This is possible only in a self-governing country and therefore the demand in the second part of the amendment is in my opinion *nothing short of a demand for full Self-Government*, where the Services are

controlled by the Legislature through the Executive responsible to it. And the third part of the Resolution is this. We are perfectly willing — and I am willing on my part — to examine the grievances of the Services." But he added: "I do not believe there is any grievance. I think the Services are amply paid, but if there are yet any grievances, let us be satisfied about them after we get power to pass final orders, not merely (to) make recommendations. ... The third part is conditional on the acceptance of the second part. ... I do not think that there is any other alternative possible for any self-respecting body of men, after the manner in which they have been treated in the matter of the Self-Government Resolution passed at Delhi, and after the manner in which they have been treated in respect of (the) last Budget and the Finance Bill, as also in the matter of a number of Resolutions of this Assembly since it met at Delhi. We know the consequences of our action, I know what is going to happen. Sir Basil Blackett...told us the other day that if you are going to take the stand which was described as 'the manly stand' that you took at the March Session in regard to the Budget, then Government will take the step that they took in that connection. That is, 'if you are going to be men, we are going to be brutes'. ... We know, as well as you do, that this amendment is going to be carried, that the Government are going to be defeated. ... We have been told lots of things about the Services and their character, their efficiency, their integrity and all sorts of qualities of head and heart. Supposing my friend Pandit Motilal Nehru were to take the seat which is occupied by my friend, the Hon'ble Sir Alexander Muddiman, and my friend Mr. Rama Aiyangar were to take the seat occupied by my friend Sir Charles Innes, and my friend Mr. Jamnadas Mehta were to take the place of Sir Basil Blackett, would the administration of this country suffer? ... Here is my friend Sir Narsinha Sarma, who has been getting along all right. He was working with me in 1917 and 1918 on this side of this House, and he was most irreconcilable, more irreconcilable than some of my friends, whom I know. (Rangachariar: "What about you"). I say I have been consistent and also conciliatory, because I have been saying frankly what I feel, and I ask the members who are sit-

ting on the Treasury Benches what is the difference between them and us. I ask them "what are we quarrelling for?" Here we are. We want Self-Government. You say you want to give us Self-Government. It is only a question of time. Let us sit down together and decide what should be done and how we should proceed. ... We are perfectly prepared to come to terms with you. You will not have all these sleepless nights. ... We can come together. That was the motion of Pandit Motilal Nehru at Delhi. It was for a Round Table Conference ... *Ad nauseam*, times without number, in season and out of season, I hear from the Treasury Benches these two arguments: What about the depressed classes, what about Hindu-Mussalman dissensions? Well, there they are, and I do not wish to conceal my view that to a great degree you are responsible for it. I know it is our duty to see that we are not divided, that we settle our differences; and if I have any voice in the affairs of the Indian National Congress, I am going to advise the Indian National Congress which will shortly meet at Belgaum that there should be no more of these boycotts of Councils, boycotts of schools and boycotts of courts, but that we should meet together and concentrate on the settlement of the difference between the two great communities of India and the uplift of the depressed classes and the removal of untouchability. The day when the Hindus and the Muhammadans of India unite, that day will see the death-knell of the bureaucracy, but I also feel that these differences will continue to exist in some form or other so long as you are here, therefore, *the sooner you go the better for the country (Quit India?).*"

It may be noticed, in passing, that several of the speakers on the amendment distinguished between the part Vithalbhai took in the debate from that taken by others. For instance, Maulvi Abul Kasem said: "I cannot claim even in a very small measure the gracefulness of speech or the dignity of Pandit Motilal Nehru, the eloquence or the fervour of Mr. Jinnah, or *the vehemence of Mr. Patel.*" Sarfaraz Hussain Khan, while supporting the amendment, said: "I entirely disagree from my friend, Mr. Patel, when he tried to make an attack on the Civil Service", and reminded the House that the amendment was "not an amendment of the Swarajist Party merely, but of the whole

Nationalist Party, nay...an amendment of the whole Indian Nation." Malaviya stressed the point in this way: "I hope the Government have taken note of the fact that my Hon'ble friend, Sir Sivaswamy Aiyer, my Hon'ble friend, Sir Chimanlal Setalvad, and we of the Swaraj and Independent Parties, and my Hon'ble friend, Dr. Datta ... are all agreed about one thing, namely, that future recruitment in England should be stopped, and I hope that the Hon'ble the Home Member will be good enough to represent this unanimous feeling to the Secretary of State on this question of further recruitment." In his reply speech, Muddiman pointedly asked the House 'to remember what Mr. Patel said', and went on to say: "With his (Vithalbhai's) usual bluntness, he explained to me and to the House generally, exactly what this amendment means."

The Nationalist amendment, as noted already, was passed by an overwhelming majority, and Muddiman's pointing out at the end of his speech what that amendment actually meant, as Vithalbhai interpreted it, made it quite clear that the House once more told the Government that they supported the grant of immediate Self-Government.

On the 27th of May, Sir Charles Innes, the Commerce Member, moved the introduction of the Bill 'to provide for the fostering and development of the steel industry in British India.' Sir Frederick Whyte was on leave, and in his absence Sir Chimanlal Setalvad acted as the President. Setalvad took upon himself the task of stating to the House his own views in regard to the various amendments (numbering between 50 and 60) of which notices had been given. This was an unusual procedure, and, as was natural, created an amount of unnecessary confusion, and in the end, Setalvad virtually accepted the view of the House that this was not the occasion on which the President could profitably decide which of the amendments were in order and which were not. Among Vithalbhai's amendments there was one which asked for the addition of various sub-clauses about the state taking surplus profits beyond 5 per cent., and about purchasing the works. Setalvad expressed the view that this was outside the scope of the Bill, because it introduced the subject of nationalisation of industries, which was entirely out-

side the scope of the Bill. Setalvad added that in effect it amounted to imposition of taxation on the Tata Company. Whatever the views Setalvad might have held, there was no occasion for the expression of those views, for as Sivaswamy Aiyer pointed out: "There is only one occasion when an amendment may be considered. When an amendment actually arises for consideration, it is open to the Chair to decide upon the regularity of the amendment, and to the House, upon the merits of the amendment." Vithalbhai put the practical point of view before the Chair in these words: "There are at present 50 or 60 amendments in the name of several Hon'ble members. If just now or after the general discussion is over you hear every one of these members and give a ruling on each amendment it will take any amount of time. But if the Bill goes to the Select Committee and comes back you will find that hardly 8 or 10 amendments are left and then it will be easy for you to decide whether those amendments are in order or not." Sivaswamy supported this contention of Vithalbhai, and when Innes and Muddiman also supported that view, Setalvad adopted it himself.

Vithalbhai made a speech on the motion to refer this Bill to a Select Committee. He started with asking for information 'on one or two points', or, as Innes put it, asked the Commerce Member 'some conundrums'. First about rails: The bulk of the import of rails was from Britain. It was therefore significant that it was not proposed to levy additional tariff on the import of rails. Vithalbhai wanted to know whether the grant of bounties alone — without the imposition of an additional tariff on the import of rails would meet the situation. And then there was this 'conundrum': "It is proposed to give in the first year Rs. 32 per ton of rails manufactured at Jamshedpur by way of bounty. Now the average rate at which the Tata Company is bound to supply rails is, I understand, about Rs. 122 per ton. If that is so, then a bounty of Rs. 32 would bring Rs. 154 per ton to Tatas. How then is this protection to help this dying industry to survive when you say that the fair selling price is Rs. 180?" Vithalbhai also pointed out that, in the absence of protective duties the unlimited supply of rails from Britain would continue, and at the end of three years the Tatas would not be

able to compete with Britain in any way. Vithalbhai's next 'conundrum' was: The import price of heavy structural material of British manufacture was Rs. 145 according to the Tariff report. The import price of such material from Belgium and other countries was Rs. 110 only. "If that is so," Vithalbhai asked, "how is the tariff of Rs. 30 per ton going to give Rs. 180 to Tatas?" "Even with regard to the British structural material", he added, "it may not be possible for Tatas to compete, because taking Rs. 145 which is the present import price, and adding Rs. 30 as the proposed duty, the British manufacturers will be able to sell at Rs. 175, while the fair selling price, according to the Report, is Rs. 180." The Tariff Board had stated in the Report that Tatas would realise Rs. 187 for their rails, but Vithalbhai said that he did not understand how they had arrived at their figure. On the whole, Vithalbhai thought that the bounties proposed were inadequate.

After putting these 'conundrums' before the House, Vithalbhai proceeded to consider what could be done to settle the disputes and differences between Tatas and their workers. His solution was the introduction of a clause in the Bill requiring the Tatas to recognize the Labour Association and to agree to the appointment of a Conciliation Board elected by the employers and the workers in definite proportions. He would go further and say 'that I would introduce a further clause in the Bill saying that this Bill or Act shall come into force on and from the date on which the Tata Co. agrees by a Resolution at a shareholders' meeting to be specially convened for the purpose that the Labour Association at Jamshedpur shall be recognized forthwith, and that a Conciliation Board shall be appointed consisting of members to be elected by the workers and by the employers for the settlement of all disputes'. But he added: "But if that is not done, if the Government do not agree, what are we going to do? ... I think that if one-tenth of what my friend Mr. Joshi (N. M. Joshi) had said about the grievances of these workers is true, it ought to make the blood of every self-respecting man boil. But what is to be done? Where is the remedy? It is the Government who are hard-hearted. They will not agree to insert any clause for the protection of workers. ... The Tariff Board

and Fiscal Commission have stated that this industry is of special military value. It is necessary for the defence of this country. ... If that is so, in my humble opinion — and I am glad I have friends here who share my view — I think this is the most opportune time for any National Government to take over this concern and run it as a National concern, and impose not these half-hearted duties, but give real and substantial protection. ... If they are not prepared to do that, then there is the second alternative which I have proposed by way of amendment. ... You do not surely want that the Company should go on after 5 or 10 years making fabulous profits and giving fat dividends to its shareholders and the agents getting lakhs and lakhs of rupees by way of commission. ... May I venture to suggest that the Tata Company should be asked to agree that any profit over and above 5 per cent. on capital should go to the State to relieve the tax-payer? ... If the Government really mean protection to the Tata Company, let them come out with better proposals; let them instruct all the departments under them as well as under the Provincial Governments, let them instruct all the Railway Companies, let them instruct all the local bodies, let them instruct the Improvement Trusts, let them instruct the Port Trusts and let them instruct the Development Departments, to buy all the steel that is manufactured at Jamshedpur. Can you not introduce that provision in this Bill? I think you can; there is no difficulty if Government agree. Otherwise, here is the chairman sitting to rule you out. But if the Government agree, he can be outvoted." At the end of his speech, Vithalbhai tried to have the case of the Bombay Municipality examined. But the Assembly had become impatient and they wanted the question to be put. Vithalbhai therefore left that question to be examined in the Select Committee.

In his reply speech Innes referred to Vithalbhai's 'conundrums', and said: "We adopted last year a policy of discriminating protection. We appointed a Tariff Board. Two of the members were the Hon'ble members' own countrymen. That Board has submitted a unanimous report and in that report they made certain concrete suggestions to Government. Government accepted those suggestions absolutely as they stand. What

is the only result so far as my Hon'ble friend, Mr. Patel, is concerned? The only result is that he takes a microscope and tries to find some reason why he should suspect the motives of Government. He wants an answer to his question about rails. ... It is stated in black and white in the Tariff Board's report. There it is stated that the Tariff Board will not acquiesce in the vicious principle that the tax-payer should be called upon to remedy the mistakes made by the Company itself. As regards his question about structural steel, the answer to that is that British engineering standard steel always commands a higher price than steel that is sold without any guarantee of quality. Tata's steel is usually made to a specification. It competes with British engineering standard steel rather than with continental steel, and the Tariff Board recommend a composite price." Innes went on to say that he did not propose to follow Vithalbhαι 'into the extremely interesting speculations as to what is really the right course we ought to take in this matter', and added: "I am afraid that the Hon'ble member must be very much of an optimist if he thinks that I can agree or that the Government can agree to his particular nostrums to deal with the problem before us "

The motion for the reference of the Bill to a Select Committee was passed without a division, and Vithalbhαι found a place on that Committee. On the 2nd of June, the Bill as amended by the Select Committee came up for consideration. At this stage, Devaki Prasad Sinha raised the question about whether members interested in the Tata Company, either as Shareholders or Directors could participate in the debate. Setalvad, as President, ultimately ruled that they could. But before that ruling was given, there was a very heated discussion, and in that discussion Vithalbhαι took a prominent part. He said then: "There are in the various Acts of the Indian Legislature and the Provincial Legislature provisions which preclude a member of a municipality or any other local body from taking part in the proceedings if the question under discussion is one in which he is interested either as a shareholder, or in any other capacity. There are express provisions to that effect. Unfortunately in the Government of India Act, we have got no such provision

and we must therefore be guided by the practice in the House of Commons."

During the clause-by-clause debate, with the case of the Bombay Municipality in his mind which stood to lose a large amount of money on account of this protection Bill, Vithalbhai supported the wider amendment of Mr. Wilson which asked for the addition of a proviso to sub-clause (2) of Clause 2, which provided that nothing in the said schedule shall apply to constructional and other steel arriving at Indian ports before the 1st of November, 1924, which was *ordered before* the publication of the Tariff Board's report *and not for ordinary sale* by the importers. Vithalbhai's was a special pleading and it fell flat on the House, and the motion was negatived. Nothing daunted, Vithalbhai moved for exception being made in the case of the contract for the steel, entered into 1922, by the Bombay Municipal Corporation, and this motion also, in spite of his *ad-misericordiam* appeals, met the same fate. Vithalbhai then suggested, in Clause 3, the addition of the words: 'Subject to such conditions regarding the treatment of labour as he may from time to time by rules prescribe.' Speaking on this amendment, before it was ruled out of order, Vithalbhai said: "No Bill for the protection of industries can be said to be really a protection Bill unless it contains provisions to safeguard *both capital and labour*. By the provisions of this Bill you merely safeguard the interests of capital, but you do not say one word for safeguarding the interests of labour." Vithalbhai also pointed out that the idea of introducing provisions for safe-guarding labour was not foreign to Tariff Acts in other countries, and quoted the instance of the Tariff Act of Australia in his support. Setalvad ruled the amendment out of order, 'because it deals with a different and a foreign subject altogether.' Vithalbhai then proposed another amendment, the idea underlying which was that the protection provided in the Bill should be confined to Indian industries alone. Setalvad had told the House that he would not hear, on points of order, anybody but the member who had given notice of the particular amendment, and had actually prevented N. M. Joshi from uttering a single word on the Labour amendment of Vithalbhai; but when on this amendment Mala-

viya insisted on speaking and Jinnah supported him, and Malaviya administered a threat that if members were not allowed an opportunity to say all that they had to say on this amendment of Vithalbai, they would be compelled to oppose the Bill altogether, Setalvad — Setalvad, who would not allow a similar privilege to N. M. Joshi, had to eat humble pie, and to allow something like a general discussion on it, with the further result that he ruled the amendment in order; and then Vithalbai made his full speech on it, and was followed by a host of speakers. He said: "The object with which we have been labouring for three quarters of an hour will be fully attained if these few words are inserted in Clause 3 without disturbing the other clauses of the Bill. The amendment which I have the honour to move runs as follows: 'In Clause 3, line 19, after the word 'shall' insert the following: 'on being satisfied that at least two-thirds of the capital invested in the business concerned is Indian.'"

"Now, Sir," he proceeded to say, my main quarrel with the Tariff Board is that they, in investigating into this question, have not taken into consideration the report and recommendations of the Fiscal Commission. When we say 'protection of industry', we mean protection of Indian industry' and not protection of industry *in* British India. ... There is not the slightest doubt in my mind, and I submit that there should not be the slightest doubt in the mind of any member of this Assembly, that, as soon as this Bill is passed into law, foreign capital will pour in, companies will be started and they will claim protection under the provisions of this Bill. Then again, it is not that the Governor-General in Council can refuse to give bounty to any such firm, because the Bill clearly says that the Governor-General in Council *shall* give bounties to companies, firms, or persons manufacturing steel in India. ... There are friends of mine, who would, as recommended by the Fiscal Commission, like that there should also be a further provision that a certain proportion of the directorate must also be Indian. I should not have the slightest objection to the insertion of such a provision, but, as I say, it would disturb the fabric of the Bill and it will be very difficult to carry out that object unless you are prepared to introduce

altogether a new provision in the Bill for that purpose. But when I seek to provide that at least two-thirds of the capital is Indian, it goes without saying that the shareholders will ordinarily appoint a majority of Indians as their directors. But assuming for a moment that they do not (although I personally doubt it) do so, let them have a free choice. If they have confidence in non-Indian directors, by all means let them exercise their discretion. The fact remains that once you make a provision that two-thirds of the capital should be Indian, the profits accruing out of the business will remain in India. That is the point."

During the time the point of order was being discussed, while trying to support the President in holding that this amendment of Vithalbhai was not relevant to and within the scope of the original motion and therefore was out of order, Innes disclosed* that the Select Committee had held that provisions relating to the proportion of foreign capital or proportions of Indian management or anything of that kind should not be incorporated in this Bill. He added that he was quite prepared to take up that question separately. When Vithalbhai's amendment was ultimately ruled in order, and the question was considered in all its bearings, it took a turn which was not quite acceptable to Vithalbhai. Motilalji entered into a sort of compromise with the Government, and the amendment which he proposed and which was the outcome of his negotiations outside the House with the Treasury Benches, definitely side-tracked the question of the proportion of the Indian capital in the industry, and therefore Vithalbhai rose to a point of order, and maintained that Motilalji's amendment was a separate amendment and that it should be dealt with separately 'after my amendment has been disposed.' Setalvad referred to the implicit understanding arrived at on the previous day, and ruled that Motilalji should be heard, before any decision was taken on the point of order raised by Vithalbhai, on what transpired during his negotiations with the Government benches. Motilalji was conscious of his having yielded to Government on the important question of the consideration of the Indian proportion in the capital invested in the industry, and therefore specially emphasised in his speech the fact that his amendment — i.e. the amendment arrived at after negotiation

with the Treasury Benches — was conditional upon their giving an assurance to the House that there would be an *ad hoc* committee elected by the House to go into the question of Indian proportion in the capital and other questions connected therewith. After hearing Motilaji and Innes on this issue, Setalvad, without any opportunity being given to Vithalbhai to explain how Motilaji's amendment was different both in scope and purpose from his, thought of putting Vithalbhai's amendment to vote. Vithalbhai protested. Setalvad suddenly changed the procedure which he had himself indicated, and, depending upon the Chair's inherent right to alter the procedure, if the Chair thought that the alteration would facilitate a proper decision, and asked Motilaji to move his amendment, before Vithalbhai's was put. Immediately after Motilaji formally moved the amendment, Malaviya wished to speak on it and to propose the addition of a proviso to it. Setalvad allowed him to do it after some hesitation. Sir Basil Blackett, on behalf of the Government, said that it was impossible for Government to accept Malaviya's amendment, which in effect asked for restraint of the Executive by the Legislature in the detailed administration of the Act. Vithalbhai succeeded in getting two minutes to explain the implication of Motilaji's amendment. He pointed out that that amendment left everything in the hands of the Government — they would fix the proportion of directors, and any foreign company would get bounty, and the whole objection on which his own amendment was founded remained as it was. Setalvad was very impatient. He immediately put Motilaji's amendment to vote, and on the volume of sound declared it carried. He was not prepared to allow the House to divide, but when Shamlal Nehru, Jinnah and Moncrieff Smith (Secretary, Legislative Department) all suggested that it was not quite right for the chairman to depend upon the volume of the sound, Setalvad asked those who were against the amendment to stand up in their places. Seven members stood up. And then Setalvad asked those who were in favour to stand up, and a large majority stood up. The motion was therefore adopted. So Vithalbhai's original amendment had no chance and was declared to have been disposed of.

Even a cursory review of these proceedings make it clear that whatever advantages Motilalji's general *bonhomie* may have secured for the *Nationalist* Party in the Assembly, he proved a real obstacle in the way of the obstructionist policy of the *Swarajists* to which Vithalbhai was wedded. There were many occasions when Motilalji had to come out with explicit statements that his policy was the same as that of Vithalbhai, but the very fact that he had to do so conclusively proves that there was a real rift in the lute. Any way, with Motilalji as the leader of the *Swarajists*, Vithalbhai's obstructionist policy had not the ghost of a chance in this Assembly.

During the 1924 Session of the Assembly, Vithalbhai was elected member of two Committees (1) the External Capital Committee, on the 11th September and (2) the Standing Finance Committee for Railways, on the 24th September, the day on which the Session was prorogued. He was also placed on the Select Committee for the consideration of several Bills like the Land Customs Bill.

Re the Land Customs Bill, which Sir Basil Blackett moved on the 8th September, and to which Jamnadas Mehta moved an amendment that it should be circulated, Vithalbhai's contribution was that he successfully persuaded Jamnadas "not to press his motion for a division, in view of Sir Basil's statement that he was prepared in the Select Committee to consider the possibility of confining the operation of that Bill to foreign States, properly so called. When the Report of the Select Committee came up for consideration, on the 19th of September, Vithalbhai proposed an amendment to clause 7 of the Bill asking that the fines and confiscation of property, connected with the evasion of these custom duties, should follow a conviction by a Magistrate and should not be managed by customs officials themselves. Vithalbhai withdrew this amendment in favour of Kelkar's amendment which restricted the necessity of a conviction by the Magistrate only in respect of the imposition of a penalty. The Assembly divided on that issue, and the amendment was negatived, the Ayes being 40 (Vithalbhai obviously being one of the Ayes) and the Noes being 61. It is worth noting here that, in his reply speech, Sir Basil expressed his

regret at his inability to accept the amendment, and referred to Vithalbhai in the following words; "I do so (oppose the amendment) with regret, in view of the fact that Mr. Patel has quite clearly been trying to make constructive proposals to assist us in the matter."

In the debate on Gour's Bill asking for the Repeal of the Indian Criminal Law Amendment Act of 1908, Vithalbhai did not take an active part, though, of course, he voted for the Repeal at every stage of that Bill. His part was confined to a few interjections. Muddiman was trying to establish that anarchical movement of some sort was even then in existence, and he went on to say: "But anarchial movements are made up not only of those who have entirely gone over to the enemy, so to say, but of those who are in the condition, shall I say, of semi-solidification". It was here that Vithalbhai interjected "Congress Volunteers". And Muddiman's retort was: "Well, if the creed of the Congress is violent, it may be so". And again when Tonkinson of the Home Department quoted from Professor Sidgwick the following, with the prefatory remark "and here the Professor might well, I think, have been referring to recent conditions in India": "Even though it (a political association) formally repudiates unlawful methods, its operations have a manifest and persistent tendency to cause such violence. Under these circumstances it is in harmony with the principle, on which indirectly individualistic interference has before been justified, that the whole corporate action of such an association shall be prohibited and suppressed, even though a part of its operations may be perfectly lawful". Vithalbhai interjected: "All that applies when the Government are responsible".

Vithalbhai played a much larger part in the debate on Mr. K. Rama Aiyangar's Resolution *re* suspension of the Taxation Inquiry Committee and substitution of an Economic Inquiry Committee. When after hearing the first two speeches — those by Rama Aiyangar and Venkatapati Raju, Sir Basil Blackett said: "I have listened in vain in my efforts to understand what is the objection to the formation of the Taxation Committee," Vithalbhai interjected: "You should have waited"; and as soon as Sir Basil finished his speech, Vithalbhai stood up, first, to enter his

emphatic protest against Sir Basil's having said: "Mr. Raju talked ridiculous nonsense — that he was talking an obvious untruth." The President practically upheld Vithalbhai's view and said: "I hope that all Hon'ble Members, *even when convinced of the inaccuracy* of statements made by others, will be careful how they use such words as 'untruth' " Vithalbhai then proceeded to say why the non-officials objected to the Taxation Inquiry Committee that was appointed and why they wanted to have it suspended. He said he was not content with having that Committee suspended — he wanted it to be dissolved, because he saw no result from it except a recommendation for further taxation. In his opinion the Government were placing the cart before the horse. "The first thing", he proceeded to say, "that the Government should do is to inquire into the economic condition of the people and their capacity to bear additional taxation. ... The second reason why I object to this Committee is because of its personnel. ... You have as usual a member of the I.C.S. as the Chairman of that Committee and another member of the I.C.S. as Secretary. That is a sure guarantee that Sir Basil Blackett will have his recommendations for taxation. ... There is one gentleman — Sir Percy Thomson from England. I do not know who he is ... he is *perhaps an old friend* of Sir Basil Blackett. I do not know. When he will come over here, we will know what qualifications he possesses. Then you have got three Indians, all excellent economists — no doubt. One of them is a member of this House, a very distinguished member, Dr. Hyder. Then there is Dr. Paranjpye from Bombay. He is a personal friend of mine. I have great respect for him. We have worked together in the Bombay Legislative Council for years and I can say that he is a very good school-master, but so far as economy (economics) is concerned, a worse choice could not have been made ... He is a very amiable gentleman, a very estimable gentleman, a very capable man, but for this work he is in my opinion absolutely unfit. Then there is the Maharaja of Burdwan. ... The less said about him the better. I leave it to the House to judge whether the personnel selected for this Committee is at all satisfactory for the purposes that we have in view. I have not the slightest doubt in my mind that with this person-

nel Sir Basil Blackett will have the recommendations that he wants from this Committee. And when the report comes before this Assembly he will say: here is the unanimous opinion of three Indian gentlemen, all respected men, all men holding public positions, all men having the cause of the country at heart, and you have no right to say anything against them; you must accept their recommendations in the same way as you were asked to accept the recommendations of the Lee Commission by my friend Sir Alexander Muddiman. ... We do not want any Committee which is likely to suggest any additional taxation. ... Times out of number this House by questions and resolutions have been pressing the Government to make an inquiry into the economic conditions of the people of this country. Years ago, in 1902, my late lamented friend Gopal Krishna Gokhale asked the Government of India to undertake an economic inquiry into the conditions of the masses. You would not do it. The Famine Commission sat in 1898. They examined several witnesses. The whole of the evidence was shut out. Why? That evidence never saw the light of day, as the evidence in respect of another Famine Commission appointed in 1924 never saw the light of day — the Lee Commission (laughter). ... Why is it that Government are not prepared to face a public inquiry into the economic condition of the people in this country? The reason is obvious. You know that as soon as that inquiry has been set on foot, so many ugly things will be said and brought out and exposed about British rule in India that you dare not face such an inquiry. ... We want an inquiry made by independent men, men in whom people have confidence, not men appointed by you. ... Why don't you do it? We again and again say that ignorance, poverty, disease and epidemics are the order of the day under your rule. ... We challenge you to prove otherwise. Ignorance, because you have always resisted our attempts, our endeavours for the introduction of free and compulsory education in this land. You have kept the people of India absolutely ignorant. Ninety-five per cent. of the people are steeped in utter ignorance." (Sir Basil interjected: "Some of them are here") Vithalbhair retorted: "Some of them are here. They are on the Treasury benches! That is what you have done about the education of the masses

of the people committed to your charge." Vithalbhai concluded his speech with an appeal to the mover of the Resolution to accept Mr. Goswami's amendment, which asked for the immediate dissolution of the Taxation Inquiry Committee and the institution, instead, of 'a thorough inquiry into the economic condition of the various classes of the people of India, their income per head, their capacity to bear the existing burden of taxation, and the general resources of the country, *through a representative Committee*, at least two-thirds of which shall be elected by the Indian Legislative Assembly."

In his speech on his amendment, Goswami reminded Sir Basil of what he had said on the 4th of February, in the Council of State: "They will meanwhile be going on with the Expert Committee on Taxation", and added: "So the Taxation Committee, the personnel of which has been described by the Hon'ble Mr. Patel, is an Expert Taxation Committee? Experts indeed! I can well understand a Committee of real experts, but I do not understand a fancy and fashionable Committee of political prize-babies."

Mr. A. H. Lloyd of the Central Board of Revenue pointed out that the Government of India were quite prepared to undertake an inquiry into the economic conditions of the country, if such an inquiry could be undertaken, but added: "This is not the inquiry for which the Hon'ble Mr. Patel and the Hon'ble Mr. Chaman Lall press. It is perfectly clear from the remarks which have fallen from their lips that what they desire is an inquiry which will be conducted with the object, and — if they have their way in selecting the members of the Committee — with the result, of proving what dreadful things the British administration has done for India in the past." He controverted Vithalbhai's position that in holding the Taxation Inquiry Committee the Government were putting the cart before the horse, and said that no taxation was collected beyond what was necessary for definite and real needs of administration, and 'that if the Hon'ble Mr. Patel considers that the British Government have not done enough to prevent epidemics of disease and to promote education, that is a measure of the extent to which they have failed to go as far as ... they might have gone in imposing burdens of taxation upon the people of this country.'

N. M. Joshi was upset by Vithalbhai's uncomplimentary remarks about Paranjpye, and this is what he said in his speech in that regard: "The Hon'ble member from Bombay, my friend Mr. Vithalbhai Patel, referred to Dr. Paranjpye, and he said that he may be a good teacher, but his choice was the worst which the Government could make. Sir, I do not know that there is any connection between teachership and membership of the Committee. But, Sir, I know this much that, if a good teacher is disqualified from being a member of a Committee like this, I cannot understand how a good barrister is quite fit to become a member of the External Capital Committee. ... I feel the House will agree with me that the economic(s) knowledge of Dr. Paranjpye cannot be less sound than the economic(s) knowledge or the economic(s) expertness of those people who, during the last few years, at the dictation of a masterful personality, not by their own conviction, tried to fool this country to believe in the wonderful economic panacea of the spinning wheel. Sir, Dr. Paranjpye is a better economist than any of these people."

In the course of the debate, Goswami's amendment made room for Jinnah's amendment, which, while asking for the immediate dissolution of the Taxation Inquiry Committee, asked for the appointment, instead, of 'a Committee of non-officials and experts, in consultation with the leaders of the parties in the Legislative Assembly, to institute a thorough inquiry into and report on 'several specific matters connected with the economic conditions of the country.' Goswami accepted Jinnah's amendment without any hesitation and Motilalji after some hesitation. Motilalji would have preferred the appointment of Committee being made by the House to its being 'appointed in consultation with the leaders of the House.'

In the course of his remarks about the personnel of the Taxation Inquiry Committee Sir Basil said: "I think it is very undesirable that in this House we should throw cold water on the personnel of any such Committee — even on our friend, Dr. Paranjpye. I could not help feeling when Mr. Patel began to talk about the qualifications of this and that and the other of his friends for membership of this Committee that I sympathised

with the prayer which I am sure must often be in the mind of his leader, 'save me from my friend, Patel.' "

Sir Basil tried to see if the minor difference between Jinnah and Motilalji would prove beneficial to Government. In fact he said in so many words: "I shall be glad to see the Hon'ble Pandit Motilal Nehru in the same lobby with us owing to his objection to this portion of the Resolution." Jinnah lost no time in telling him that that hope was not going to be realised. Motilalji was not in the House at the moment, but at the conclusion of Sir Basil's speech, he made his position clear, namely, that Jinnah's amendment was the next best thing to what he wanted and that he would vote for it.

Sir Basil made another specific reference to Vithalbhai, when he said that Vithalbhai thought that Government had a strong objection to an economic inquiry. Speaking for himself, he said he thought that really authoritative inquiry into economic conditions in India was one of the great desiderata.

Jinnah's amendment was carried with 60 Ayes and 42 Noes. On the 24th of September, the last day of the 1924 Session of the Assembly, Vithalbhai gave notice of his desire to move the presentation of a formal address to the Governor-General under Standing Order No. 74 in the following terms:

'That a humble address be presented to His Excellency the Governor-General requesting that he be pleased to summon the next Session of the Legislative Assembly on some date after the expiration of four years from the time of the first meeting of the Assembly, so as to enable the Assembly to exercise its right of electing its President under Section 63C (1) of the Government of India Act.'

The President, after making this announcement said: "The Hon'ble member proposes to use a method which is not available. Standing Order 74 is not in itself an operative Standing Order, but only provides the means whereby communications, under other provisions of the procedure, shall be transmitted to His Excellency the Governor-General, that is to say, to give an instance, where this Chamber and the other Chamber fail to agree on a Bill and there is no other course of action open, then report is made to His Excellency the Governor-General of the

fact that there is no agreement. It is for that purpose and other purposes that Standing Order 74 provides the channel, but not for the purpose of such a motion as this."

And so this attempt of Vithalbhai to see that the Assembly did not meet again before the elective President came into office failed. This is only one more instance of Vithalbhai's methods of achieving political ends by the utilization of the constitution as it was, stretching it to its utmost conceivable limit. During this session he exerted himself to the utmost to have his obstruction programme accepted by the Assembly, and he was marked out by the Government Benches at any rate as the one potential obstructionist in the Assembly, but, in actual fact, all the successes of the Swarajists in the Assembly — and they were many — were achieved at the risk of dropping the obstructionist programme and by a combination with the Independents and, occasionally, with the Liberals also. Technically the successes were the successes of the Nationalist Party which was composed of all these different elements.

The Second Session of the Second Legislative Assembly opened with the Viceroy's address to the Legislature on the 20th of January, 1925. In that address, among other things, the Viceroy referred to the recommendations of the Tariff Board, and Government policy *re* the questions of currency and exchange, their decision to appoint a Committee to report on the material which existed for holding an inquiry into the economic conditions of the people of India, side by side with the Taxation Committee which had begun its labours already, the Bengal Criminal Law (Amendment) Act, and the Report on the Muddiman Committee.

Vithalbhai's enthusiasm for asking questions appears to have waned considerably by this time. During this session, he asked only about half a dozen questions — and they were all supplementary questions. Of these one was about whether the Government would be prepared to consult the Secretary of State in regard to the publication of the correspondence that passed between the Secretary of State and the Government of India on the recommendations of the Lee Commission. Government's answer was of course 'in the negative.' Another question was

in respect of the facilities asked for by non-officials for the discussion of the Reforms Inquiry Committee (Muddiman Committee) at an early date. Government refused to give any special facilities, and so Vithalbhai asked: "Do the Government recognise that the meaning of it (that refusal) is that you drive this House to force a discussion by way of adjournment of the House?" Muddiman's reply was: "The Hon'ble member has of course open to him the facilities which are open to other members." When Muddiman was evading a direct answer to what were the objects of the Viceroy's visit to England, Vithalbhai asked: "Is it not a fact that the Muddiman Committee's report will be one of the main questions that will be discussed?" Muddiman's reply was: "If the Hon'ble member thinks it is one of the more important outstanding questions, I should think it probably might."

On the 27th of January, 1925, Vithalbhai spoke on Venkata-Pati Raju's Resolution on the inquiry into the Exchange and Currency questions. Raju wanted a Committee with a majority of Indian non-officials on it, with an Indian Chairman, and that immediately. Ramachandra Rao moved an amendment which, in effect, made the position vague. He was satisfied with the substitution of the words, 'without any avoidable delay' for the word 'immediately', and was content with 'an effective and adequate representation of Indian interests', in the place of the more specific wording of the original Resolution. Government preferred this vague wording because they could interpret it as they liked. Government were willing to appoint a Committee, but they did not want to appoint it immediately. Vithalbhai made Government confess that when they showed themselves to be willing to accept the wording, 'without any avoidable delay', they meant to keep themselves free to appoint a Committee any time within the course of the next twelve months as stated by the Viceroy in his opening speech. In regard to the specific demand of a non-official Indian majority, Vithalbhai showed the necessity of it by a reference to the composition of the Babington-Smith Committee. On that Committee there was only one Indian — Sir Dadiba Dalal, 'and he stuck to his guns.' "He expressed", Vithalbhai went on say, "the Indian opinion and wrote a separate minute of dissent stating that the ratio should

be 1s. 4d. If at that time the Committee had had a majority of Indians, then the view point of the Indian public would have been effectively represented and the report would have been quite different." "Without an Indian majority on this Committee", Vithalbhai added, "the Committee will be absolutely futile, because we have already expressed our suspicion against Government that they want to manipulate the currency. They want to stabilise exchange at 1s. 6d., and it is for that purpose that they are biding their time and they want to appoint a Committee sometime within the course of 12 months and not immediately." Further: "If there is a non-official Indian majority on the Committee it follows as a matter of course that the Chairman also should be an Indian." The issue of the Sterling-Rupee ratio was a very live issue at the time, and while Government wanted it to be stabilised at 1s. 6d. Indian politicians wanted it to go back to 1s. 4d. Again while the Indian politician was keen on the Gold Standard, Government favoured the Gold Exchange Standard. On both these issues Vithalbhai strongly put forth the views of the Indian politicians against the views of the Indian Government. When Ramachandra Rao saw through the game of Sir Basil, he withdrew his amendment, and Raju's motion was carried, 52 voting for it and 38 against.

On the 3rd of February, 1925, Vithalbhai asked for leave to introduce his Bill 'to repeal certain special enactments supplementing the ordinary criminal law.' The Regulations and Acts which he sought to repeal were: (1) The Bengal State Prisoners Regulation, 1818, (2) The Madras State Prisoners Regulation, 1819, (3) A Regulation for the Confinement of State Prisoners, Bombay, 1827, (4) The State Prisoners Act, 1850, (5) The Punjab Murderous Outrages Act, 1867, and (6) The Prevention of Seditious Meetings Act, 1911. Vithalbhai reminded the House that in the previous March, by an overwhelming majority, was passed a Resolution asking for steps being taken to repeal all the repressive laws standing on the Statute-Book. As Government had not moved at all in that direction, he said he had brought in this Bill. Muddiman opposed the introduction of the Bill, but leave to introduce the Bill was given with 50 Ayes and 40 Noes.

Later on, the same day, he moved that that Bill be taken

into consideration. During his speech on this motion he explained why he had included the Punjab Murderous Outrages Act among the laws he sought to repeal. The Home Member had expressed considerable surprise at this inclusion in his speech on the motion for leave to introduce the Bill. Vithalbhai showed clearly that though this Act was not included in the reference to the Repressive Laws Committee, it was actually 'on a par with the other repressive measures on the Statute-Book.' Talking about the other Acts and the Regulations he sought to repeal, he said he saw no justification for their being on the Statute-Book at all. He said: "If factories of bombs are there, if people take to revolutionary methods, it is the Home Member and his Department that are responsible and not the leaders of the people (a voice: 'And his over-zealous subordinates'). Yes, I should have said 'and his over-zealous subordinates.' I accept the correction." Vithalbhai explained his own view about how to remedy the situation: "Take to conciliation and things will improve. ... My friend, Pandit Motilal Nehru, moved a Resolution last January for a Round Table Conference ... that Resolution, although passed almost by an overwhelming majority, was ignored by Government and a whitewashing Committee was appointed, the report of which has not yet seen the light of the day. The Budget time is approaching, the Hon'ble the Home Member does not make up his mind yet to place the report of that Committee before this House, and he does not say whether he is going to put it before this House in this Session or not. ... Under the circumstances, if the Budget is thrown out by the Assembly, the responsibility will be that of the Home Member and of nobody else. ... Coming to the Regulations, I venture to submit they are not laws duly passed. ... They are merely decrees of the executive. ... It is not that you want merely to exterminate anarchy from this country. You want to suppress the national aspirations of the people of this country. ... We hate anarchy. We detest anarchy as much and perhaps more than you do, because anarchy gives you an opportunity of putting down the legitimate National movement and legitimate National activities." It is interesting to note that Vithalbhai cut short his speech, because several of his friends preferred to have

their tea at this time, and that Vithalbhai, in deference to them, announced that he would reserve his remarks by way of reply. The debate was then adjourned and resumed on the 10th of February. On that day, after a fairly full discussion, Sivaswamy Aiyer suggested an adjournment, because he hoped that adjournment at that stage would 'help to clarify the situation.' Muddiman wanted to know what Vithalbhai had to say in that regard. Vithalbhai said that if the Home Member was willing to meet the members of the Assembly and talk over the matter, and see what could be done in the circumstances, he was perfectly willing. "But", he added, "If the Home Member has no desire whatsoever to meet the members of the Assembly in a spirit of conciliation, I see no reason to postpone the discussion." In the end the debate was adjourned once more. It was then resumed on the 19th of March, on which day, after the motion that the Bill be taken into consideration was adopted, began the clause-by-clause discussion. When the President called upon Rangachariar, at the very outset, to move his amendments, Vithalbhai rose to a point of order and urged that only one of Rangachariar's amendments — that about the omission of the Punjab Act — was in order and that all his other amendments were out of order. The President disallowed the point of order and Rangachariar was allowed to proceed with his amendments. In the end Vithalbhai accepted Rangachariar's amendment — that about the omission of the Punjab Act, but not without a clear statement that he was doing so with a view to presenting a united front against the Government, though he saw absolutely no reason why that particular Act should not be repealed. In moving that the Bill as amended be passed, Vithalbhai did not fail to say: "I may assure the House that it will not be long before this particular Act as well as the Mopla Outrages Act (which he had not included in this Bill — by an oversight) which still find a place on the Statute-Book will be brought forward in the form of a Bill by me."

As episode during this debate deserves a record here. When Vithalbhai accepted Rangachariar's amendment, Muddiman said: "I am disappointed in Mr. Patel. He has now apparently agreed to maintain on the Statute-Book an Act which

he called a crime, he has made a speech attacking the provisions of this law in the most violent terms and then calmly accepted the proposal to omit its repeal." Rangachariar interjected "Surrender principle for compromise". Muddiman remarked: "This is the first time we have ever known Mr. Patel compromise". And then Vithalbhai's retort was: "Just to attack you".

The division on the Bill showed 71 Ayes and 40 Noes.

Vithalbhai's part in the debate on *The Indian Paper Currency (Amendment) Bill* was limited to two very short speeches. In the first of them, he asked whether the purchase price of Securities (roughly about 20 crores) was put down according to the Currency Act or on the ratio of two shillings to the Rupee. "If", he added, "it has been put down on the ratio of two shillings to the Rupee, it means you have clearly broken the law, and you should have put down ... if you had followed the law, something like 28 crores of rupees". In his second speech he supported the amendment of Sir Campbell Rhodes asking that the value of created Securities shall not exceed five hundred millions of rupees. He had tabled an amendment himself not materially different from this, and therefore rather than pressing his own amendment he preferred supporting this. The point that he made out however was this that these Securities were created for the purpose of filling in gaps brought about by the sale of Reverse Council Bills, and Vithalbhai urged that 'the policy should be as soon as possible to substitute some substantial Securities in place of them so that they may be gradually done away with'.

On the 3rd February, Vithalbhai moved for leave to introduce 'a Bill further to amend the Indian Penal Code. All he wanted by this Bill, as he put it, was 'that the punishment for sedition should not be transportation or rigorous imprisonment, but only simple imprisonment.' Muddiman did not oppose the introduction of the Bill, but made it quite clear that he was in no way committing himself or the Government to the Bill.

Another Bill, leave to introduce which he sought on the same day was 'a Bill further to amend the Code of Criminal Procedure, 1898.' By this Bill Vithalbhai proposed to do away

with some of the racial distinctions provided in the C. P. D. The Bill did not touch *British* Europeans. It affected (1) *British Colonials* and (2) *non-British* Europeans and Americans. He said "In the first place, there is absolutely no reason why, in spite of the fact that Indians are treated as an inferior race in the British Colonies we should allow these special privileges to British Colonials. In the second place, with regard to Non-British Europeans and Americans, unless in their own countries they give similar privileges to Indians by their own law, there is absolutely no reason why we should allow these special privileges to these people".

Darcy Lindsay opposed the Introduction, but the motion was adopted, 49 voting for and 41 against it.

On the 10th of February, Vithalbhai moved that that Bill be taken into consideration, and in his speech on that motion he made it clear that, far from interfering with the compromise which was arrived at by the Racial Distinctions Committee of 1923, he was giving the Assembly an opportunity 'to set right that compromise.' He also made it clear that there was no idea of retaliation in his proposal.

In the debate on the Indian Trade Unions Bill, Purushottamdas Thakurdas and Willson joined hands in raising a storm against N. M. Joshi for using the word 'suppression' in regard to the attitude of some Industrial Associations which suggested that Trade Unions which were not registered should not be recognised. Vithalbhai took up the cause of Joshi and said: "My friend Mr. Willson says that Mr. Joshi is wrong in criticising the employers and protests against the use of the word 'suppression' in regard to the representations that they have made in respect of this Bill. What is the implication in the representations that these organisations have made? They say that all trade unions should be compulsorily registered, that there should be no trade unions in existence which is not registered." Purushottamdas interjected "For purposes of recognition; for privileges". Vithalbhai went on: "For the purpose of privileges. What are those privileges? Immunity from civil and criminal liability for certain acts. Once this immunity is restricted to registered trade unions, it follows as a matter of course that those trade unions which are not

registered will be at once *suppressed*. There is no doubt about that".

Purushottamdas again interjected "They will not have those privileges." Vithalbhai resumed: "That is so. They will not have immunity from criminal and civil proceedings. That means there will be civil and criminal proceedings against those trade unions which are not registered. The result will be that these unions will cease to exist. There can be no other meaning. Therefore, Sir, I entirely associate myself with my friend Mr. Joshi in the statement that the representatives of the Bombay Chamber of Commerce, the Indian Merchants' Chamber and other Associations referred to by my friend Mr. Willson deliberately suggest that the trade unions which are not resistered *should be suppressed*".

After putting up this defence of N. M. Joshi, Vithalbhai gave his unstinted support to the two amendments of Chetty — one, which asked that peaceful picketing be legalised, and the other, which permitted trade unions 'to spend money in running elections to Legislative Councils, Municipalities, and local bodies, and to spend money also in securing votes for candidates set up by them and in the preparation of the voters' lists and things of that character.'

In the debate on the Resolution on the establishment of a Military College, Vithalbhai opposed the Home Member's amendment which asked the Assembly to go back on the position they had taken up in 1921 and 1923, practically opening up the whole question about whether such a college should be established at all in India. He thought that the original Resolution itself of Mr. Raju asking for the establishment of *one* college was too moderate. He said "If we had our way, we would at once start half a dozen military colleges in this country, because the argument that we are not prepared for self-defence is always thrust into our faces when we ask for more constitutional rights." He went on to say further: "His Excellency the Commander-in-Chief was indignant when my friend Mr. Jinnah charged the Government with want of *bona fides*. What does this show? This amendment moved by the Hon'ble the Home Member clearly proves the want of *bona fides*

on the part of Government." Malaviya then moved another amendment suggesting suitable modifications in the Home Member's amendment, and virtually asking that the committee proposed to be appointed should take it that the college was to be established and consider what practical steps should be taken for that purpose. And ultimately it was this amendment which was passed with 59 Ayes and 37 Noes.

During the general discussion on the Budget (1925-26), Vithalbhai started with a criticism of the Commander-in-Chief's speech. "To analyse his speech", he said, "he has told us, 'you are not a nation, and therefore you should not for a long time to come expect a national army; you should not expect a substantial reduction in the military expenditure by the replacement of British officers and soldiers by Indian officers and soldiers, and thirdly you must not expect any Indian Sandhurst in this country.' These three things he has definitely told us. This is now the real interpretation of the Preamble of the Government of India Act, namely: 'The policy of His Majesty's Government is that of increasing association of Indians in the administration of this country.' That is the interpretation which we of the Indian National Congress have been putting upon it for a long time since the Act was passed, and today it has been confirmed by His Excellency the Commander-in-Chief (laughter). ... Sir, the only thing left for us is to fight and fight and fight both here and outside and to prepare our people for a bigger and nobler fight for freedom. I am very glad that this statement is very timely — it has come at quite an opportune moment. The Demands for Grants and the Finance Bill will soon come, and I hope no self-respecting Indian will agree to vote supplies to this Government which tells us to our face that we are not a Nation, and that we should not expect anything from them. ... So long as we are here, we shall fight you inch by inch, and it shall be our determination from now and henceforth to fight this Government in this House inch by inch and to fight them outside by organizing our people for a nation-wide campaign of Civil Disobedience." With these preliminary remarks, Vithalbhai proceeded to the details of the Budget, pointed out, as he thought it to be, a mistake of Rs. 2,50,000 in the calculation about the

total debt of India, reaffirmed what he had said, when supporting Sir Campbell Rhode's motion, about the reduction of *ad hoc* Securities, repudiated the suggestion that in holding that view he had suggested a contraction of currency, pointed out several items of revenue and expenditure which appeared to him to have been concealed by Government from time to time from the Assembly, complained that many items which were really votable had been put on the non-votable list, and was going on to develop his argument on all these points when the President announced that his time was 'exhausted.' Sir Basil Blackett regretted that 'the cruel guillotine' had come down upon him, because he thought that Vithalbhai had now realised the tremendous improvements that the Reformed system had made 'which enabled him to bring forward all these small points before the House.' During the discussion on the list of Demands and on the motion 'to omit the provision for the Cotton Excise Establishment,' Vithalbhai said that members on both sides were agreed that that tax was bad and that it must go. It was all a question of funds. If the Finance Member desired to abolish that duty he could do so; he had plenty of funds. He pointed out how he (the Finance Member) could not only abolish the excise duty, but he could go further and reduce the postage as well as the Salt Tax.

By an agreement between the Leader of the House and the President, the item in the list of demands dealing with the Executive Council of the Government of India was fixed upon as the item on which the general question of public policy could be discussed. In speaking on this item, Bipin Chandra Pal said: "My friend Pandit Motilal thinks that by throwing out the Budget, by an obstructive policy, by destroying Council Government he will have his Swaraj Government. That is what (at any rate) my friend Mr. Patel thinks. I do not know if Pandit Motilal (really) thinks the same." Pandit Motilal here interjected: "I don't know if Mr. Patel even thinks that." Pal asserted: "Those were his words, Sir." Motilalji explained: "He thinks he must try to demolish. But he does not mean to say that by simple (simply?) demolishing these Councils he will get Swaraj. There is something more to be done." Vithalbhai could not remain quiet at this stage. So he said: "I might explain, Sir, that there is no

construction without destruction. We will construct after we have destroyed this system." During this debate, in his side — remarks, Vithalbhαι asserted that the Indian Members of the Executive Council gave their sanction to the Bengal Ordinance 'against their conscience', and also that the proper place for the Muddiman Report was the waste paper basket. This demand under the head 'Executive Council' was omitted, 65 voting for the omission and 48 against. When this motion for the omission of that Demand was adopted, Vithalbhαι rose to a point of order, and asked: "Are members who are *pecuniarily* interested in the division entitled to vote?" The President's reply which aroused peals of laughter was: "In the technical sense. 'Pecuniary interest' does not here arise. On the broader issue of the advisability of interested members voting on such an issue, I think I may appeal from Mr. Patel, M.L.A., to Mr. Patel, Chairman of the Bombay Corporation." The item, apart from this one, which enabled members to discuss the general policy of the Government, which interested Vithalbhαι most, was the item of 'interest on ordinary debt and reduction or avoidance of debt.' He criticised Sir Basil's laborious attempt to justify the provision of 501 lakhs on the debt redemption schemes. He pointed out that he (Sir Basil) had no business to make payments in England at the rate of 1s. 4d. when the market rate was 1s. 6d., and thus ask this country 'to pay him Rs. 35,95,125 more, though he does not require them.' He maintained that as the House was entitled to a vote and a voice in the debt reduction scheme, unless and until a full opportunity was given to the House to go into the whole question of the debt reduction scheme of Sir Basil, they should not be asked to vote according to that scheme. Jamnadas Mehta had moved for the omission of the whole votable grant of Rs. 138 lakhs, as Vithalbhαι put it, 'on merits and not on the ground of destruction', but as Vithalbhαι wished that the motion should not be lost for any reason, he proposed his own amendment, which was based on Chetty's motion, which was for the deletion of the excess provided for that year, plus the gain by exchange, which made up the amount stated by him in his amendment (Rs. 77,50,000 + Rs. 35,95,125 = Rs. 1,13,40,125 — the total should have been Rs. 1,13,45,125).

Then he raised the question about how Government had arrived at the figure of 501 lakhs. His own calculations led him to put that figure at 485 lakhs. After the motion of Jamnadas was negatived, Vithalbhai proposed his own amendment for the reduction of the amount by Rs. 1,13,40,125. P. R. Rau, who, as Sir Basil put it, practically made his maiden speech on this occasion and hardly made a success of it, intervened at this time to explain the difference between 501 lakhs, the Government figure and 485 lakhs, the figure of Vithalbhai. The fact was, whereas Vithalbhai made up his figure of Rs. 485 lakhs by adding up Rs. 384 lakhs of 'obligatory payments', Rs. 24 lakhs on account of Railway capital stores and Rs. 77 lakhs on account of the excess provision, Government made up their figure by adding Rs. 24 lakhs to 477½ lakhs which was 'the total amount to be set apart for debt redemption under the Government scheme.' Rau said that these figures had nothing to do with the obligatory payment of 384 lakhs, and that Rs. 477½ lakhs was the amount calculated according to the terms of the Government of India Resolution which prescribed the datum line of 4 crores (to) which should be added 1/80th of the difference between the debt outstanding on the 31st of March, 1925, and that on the 31st of March 1923. Rs 4 crores again had really nothing to do with the exact amount of obligatory payments. Chetty asked whether that 4 crores was laid down by 'the arbitrary law of the financial Manu. Rau further said that the obligatory payment of Rs. 384 lakhs was calculated on the basis of rs. 6d. and not on rs. 4d., and so there could be no question of Rs. 35 lakhs being deducted from the total. Here, Jamnadas Mehta said that Rau was misleading the House. He said: "The Resolution of the Government of India puts it down that they have calculated at rs. 4d., and how can they argue (now, that it was)" at rs. 6d.? ... At this stage, there were cries of 'order, order' and 'sit down'. The 'sit down' cry came from the Finance Member, and Motilalji protested again that cry. Vithalbhai pursued the matter, and said: "I protest against that remark. It is habitual. It is not through mere inadvertence." When Rau finished, Sir Basil tendered an apology, even though the President said that he had not heard that cry, and that even if he had, he was not quite sure that he

should have felt compelled to intervene. Rau's final explanation was that the amount of Rs. 477½ lakhs had no reference to the obligatory payments, and that that amount was calculated at rs. 4d. exchange, but the exact amount of the payments was calculated at rs. 6d.

The real fight on the question of 'obstruction' or 'no obstruction' this year, took place during the debate on the list of Demands in the Railway Budget, on the motion, 'that the Demand under the head 'Railway Board' be omitted.' Jinnah and the Independents parted company with Vithalbhai, Motilalji and the Swarajists at this time. Jinnah said: "I have the greatest regard for Pandit Motilal Nehru and it is a pleasure always to work with him. But on this question we differ." Jinnah said he quite understood the principle of 'grievances before supply', but 'it would not be the proper course to refuse supplies, first of all, on the ground that if we adopt this policy ... we must carry that policy out to its logical conclusion, and I ... say that we are not in a position at present to carry out that policy to its logical consequences. ... If I may quote the words of no less a person than Mr. Patel who occupies a place only second, (a voice: 'if second') if second, to Pandit Motilal Nehru in the Swaraj Party -- he said: "We will go out into the country and start a campaign of non-payment of taxes." That was one of the logical consequences. ... I standing here at present am unable to endorse this policy.' On Jinnah's having finished his speech, Vithalbhai rose in his seat, and said that it was Jinnah who 'prompted' him to speak on that occasion. In reply to Jinnah's references to him, he quoted from his previous year's speech referred to by Jinnah, and said: "What I wanted to convey was that we were here to obstruct the bureaucracy at every stage and at every step." Pal interrupted and asked: "Have you done it?" Vithalbhai's retort was: "It is our misfortune that we are not able to do all that we are here for, because my friend Mr. Pal and my friend Mr. Jinnah are here." Vithalbhai went on to say further: "What I wanted to convey last year was, Sir, that we would obstruct the Government at every stage and at every step and, if we could help (do?) it, we would compel the Viceroy to certify everything that comes up before this Assembly, the Bills, the

Resolutions, and everything also (else?). We would compel the Government to carry on this administration not with our consent but merely by veto and certification and having done that, it would be our duty to go to our people and tell them, 'Here we are, we have done what we can, it is now for you to go in for a non-payment of taxes campaign.' But as things stand, we have got friends among us who would not see eye to eye with us in the programme that we have chalked out. ... As a matter of fact, my friend, Mr. Jinnah does not know what he wants to do. ... I am not at all surprised at his attitude. From the time this Nationalist Party was formed, he was against the obstruction policy, ... (but) he had committed himself and he had no option, and therefore this time he quietly tries to escape from the situation. As a matter of fact the Nationalist Party, by the very constitution under which it came into being, is bound to a policy of obstruction. ... There has not been sufficient response to the Resolution passed by the Assembly last year and the Nationalist Party is bound to join the Swaraj Party in obstructing the Government." Coming to the main question, Vithalbhai said: "Last year we passed a certain Resolution and we expected that something would be done, that Government would make some response. We waited and waited till the last Budget came on and then we threw out some demands and the Finance Bill. Subsequently, a Committee was appointed — what (which) is known, as the Jinnah Committee or the Muddiman Committee. I gave a clear warning to my Hon'ble friend Sir Alexander Muddiman that they were not publishing the Report of that Committee and they were not telling us clearly whether they were going to give us a day for its discussion or not ... and the time for the Budget was coming. ... I do not know whether my Hon'ble friend took that warning, but I gave him a clear hint of what we were going to do with regard to the Budget. During the course of the year, since the last Budget, sin upon sin has been heaped together, Government have been guilty of numerous acts of omission and commission and they have defied Resolution after Resolution of this Assembly. ... If there was a case of throwing out the demands for grants last year, there is a ten times stronger case this year for throwing them out ... I would like to be consistent all

along, throw out every Demand for grant not only in respect of Railways, but all other Departments of Government, and finally throw out the Finance Bill. ... I would compel them (Government) to resort to the veto and to certification at every step. ... I am quite convinced that this Government are not going to yield to reason. There is absolutely no doubt about it, that reason, justice, righteousness, and argument are all on the side of the representatives of the people. But Government would not listen to that. They would listen only to direct action. That is the only way, so far as I can see, which will bring them round."

This motion was negatived, the Ayes being 41 only and the Noes 66. Not disheartened by this defeat, Vithalbhai now proposed 'to fight the Government, inch by inch.' He said: "This morning we were defeated; we admit the defeat, but that is no reason why we should run away from the fight. We propose to fight inch by inch at every stage wherever we find that you can be attacked and censured, and we propose to stand by our Independent friends shoulder to shoulder in that fight." And so he proposed a cut of Rs. 77,000 under the 'Railway Board', and this cut was carried, 59 voting for and 41 voting against it. Another cut he succeeded in getting passed was a cut of 2 lakhs under the head, 'Working expenses: administration' — to be more specific — on the working expenses of the establishments of the Railway Boards, in London. The cut was as reasonable as any cut could be on merits alone, as two of these Railway Boards were being disbanded this year — (1) The East Indian Railway London Board, and (2) The G.I.P. Railway London Board (which latter was to function for 4 months only during this year). The Government objection to the cut was that the matter was in the hands of the Secretary of State and they could not themselves do anything in the matter. Vithalbhai and his colleagues rightly said that, as the matter was votable, they were justified in moving that cut, whoever was responsible in the matter.

The cut of Rs. 70 lakhs which Vithalbhai proposed, under the head 'Working expenses, operation and maintenance' was negatived. Vithalbhai's contention was that this amount, which was meant for 'automatic couplers' which were going to replace

the old 'buffers' should rightly be charged to the capital and that its being charged to the revenue would lead to 'an indefinite postponement of the burning question of the reduction of rates and fares.'

On the 5th of March, Vithalbhai supported Abhyankar's amendment to *The Cotton Ginning and Pressing Factories Bill* asking in effect that the rule-making powers under that Bill should be given to the Provincial Legislatures and not to the Executives. In spite of his support, however, the amendment was negatived. Government had the valuable support of Purushottamdas Thakurdas in this matter.

The Finance Bill came up for consideration on the 16th of March. A week before then, the President had asked the 'Chief whip or Secretary' of the 'Leader of the Swaraj Party' to inform him of the subjects his party wished to raise on that Bill. The only information he (the President) received was 'that Mr. Patel was to move the rejection of the Finance Bill.' The President had also let the House as a whole know, as a matter of informal arrangement, that the whole field of Government administration would be open for discussion under the Finance Bill. Purushottamdas and Jamnadas had informed him that they would raise the question of currency. No other proposals came, and, as a consequence, the discussion was virtually limited to two questions only: (1) the political question, and (2) the question of exchange. Vithalbhai spoke almost entirely on the political question. The situation had undergone a complete change in a year. The Independents under Jinnah had separated from the Swarajists, and had decided against voting with the Swarajists on such issues — they had now definitely decided not to join the Swarajists in their obstructionist policy, but it is worth noting that when Jamnadas accused Jinnah of being a Communalist, Jinnah said: "I am a Nationalist first, a Nationalist second, a Nationalist last."

As Maulvi Abul Kasem put it, Vithalbhai 'made a general review of the whole political situation in this country, current as well as past.' His main contention was that the condition of things had not materially changed for the better since the Assembly threw out the Finance Bill the previous year — if any-

thing, things had gone worse, and that, therefore, it was the paramount duty of the Assembly to rise to the occasion and throw out the Finance Bill once more. After going over all the misdeeds of the Government and their imperviousness to all the Resolutions passed by the Assembly, he came to the Report of the Muddiman Committee, which was divided. What he said about it is briefly this: "So far as the Report is concerned I entirely agree with what my friend Pandit Motilal Nehru has already said, namely, that we disagree with the majority report altogether, and we agree with much of what has been stated by the minority in their report, and we disagree with much more of what has been stated by them." Vithalbhai agreed with the minority in holding (1) that dyarchy had failed, and (2) that the whole of the Act required to be overhauled. But he differed from them in regard to the method by which they suggested that it should be overhauled. They had suggested the appointment of a Royal Commission. Vithalbhai would have a Round Table Conference. Of the recommendations of the majority, he said: "(They) are, to say the least, not worth the paper on which they have been written. I wish they had not taken the trouble to write that report. They suggest the transfer of what? Of gas! We do not want that. Let them keep it themselves. They say boilers should be transferred. Whether presses should be transferred or not is a question which requires consideration. These are some of the recommendations of my Hon'ble friend, Sir Alexander Muddiman and his friends." Vithalbhai was strongly opposed to the reservation of the control of the military and the military expenditure with the irresponsible bureaucracy. "So long" he said, "as the control over the Army Department and the Army expenditure is not transferred to the representatives of the people of India, it is absolutely impossible for the people of this country to be ready for self-defence." In conclusion he said: "I think it is the solemn duty of every Indian Member of this Assembly to refuse supplies to a Government, which is so irresponsible, which is so unyielding and deficient (defiant?) in spite of a number of votes of censure passed against it. I therefore trust that no Indian Member will give his consent to the passing of the Finance Bill."

Vithalbhai's appeal, this time, fell on deaf ears; for the motion to take the Bill into consideration was carried with 70 Ayes and 40 Noes. Eventually the Bill itself was carried with 75 Ayes and 40 Noes.

The most unpleasant thing which happened during the debate on this Bill was the wrangle between Jinnah on one side and Vithalbhai and Motilalji on the other. They appear to have washed their dirty linen on the floor of the Assembly. Reading questions by Montagu and answers by Jinnah, when Jinnah appeared before the Joint Parliamentary Committee, Vithalbhai quoted the following question and answer:

"Q.—There are Indian witnesses, who have been before this Committee, whom you have probably heard, who are doubtful about dyarchy?

A.—I am not doubtful. I think myself it is bound to succeed."

Jinnah was very much upset at what he thought was a misrepresentation of his views. He held that he had accepted dyarchy only because there was no other alternative, but he also contended that the Congress, and, in particular, Vithalbhai himself at the time had accepted that same position. Motilalji tried to bring about an understanding, but the differences were deeper and really fundamental. They could not now be made up by 'formulas.' Vithalbhai and Motilalji had definitely entered the Assembly with the avowed purpose of wrecking the constitution and obstructing it from A to Z, from start to finish, and though they said, now and again, that they wanted either to mend the constitution or to end it, it was clear that Vithalbhai at least had never included 'mending' within the range of possibility. Jinnah was therefore quite right in holding that the policy of the Swarajists was persistent, consistent and continuous obstruction, together with refusal of supplies. Jinnah was now opposed to that policy though during the previous year, he had accepted it — perhaps almost against his own convictions. The net result of these differences was the break-up of the composite Nationalist Party, and a full-stop to the kind of 'obstruction' which Motilalji had achieved by a compromise with the Independents.

Chapter Twenty-Five

"HON'BLE, THE PRESIDENT"

THE 22nd of August, 1925, saw the curtain rise on one of the most momentous occasions in the history of India's Parliament. In pursuance of the provisions of the Government of India Act, 1919, the Legislative Assembly was called upon, for the first time during the 60 odd years' existence of the Indian Legislature with its colourless history, to elect its own President. One more mile-stone was reached on the advancing road to Legislative independence. One of the most important bulwarks of officialdom was to be assailed by the Assembly, composed as it was of a block of nominated and European phalanxes on one side and the elected representatives on the other. The occasion was indeed historic. Hitherto the occupant of the Presidential *Gadi* had been either the Viceroy or his nominee. In fact, till the Act of 1919 came into operation, to occupy that *Gadi* was the special privilege of the Viceroy himself. Under that Act, the Viceroy had to nominate the first President, and he had nominated Sir Frederick Whyte. During Sir Frederick Whyte's temporary absence on leave for a short period — in May-June, 1924 — he had nominated Sir Chimanlal Setalvad to act for Sir Frederick Whyte. For the first time in the annals of the country, a stage was now reached in the operation of the Government of India Act, when an opportunity arose which could shake and shatter the citadel of the bureaucracy, if only the popular will could assert itself, by the defeat of the machinations of the official and nominated members of the Assembly.

The Swaraj Party had wisely decided to capture the key positions, if they could, though it had resolved to leave untouched all positions of mere prestige without power, or of responsibility without authority. They looked upon the office of the President as a strategic point in the machinery and framework of the Government of India Act. Experience had showed

that the Chair of the Assembly possessed immense real power; its occupant could render, if he so willed and if he had the requisite ability, unique services to the country, since the guardianship of the privileges of the members of the Assembly, which was the one special job of the President was interwoven with the fight for liberty that was being fought on the floor of that House.

The choice of the Party for this distinctive honour naturally fell on Vithalbhai. There was some talk of considering N. C. Kelkar for this prize post, but the vast majority of the Party instinctively preferred Vithalbhai to him. Anglo-Indian papers like the *Times of India*, put a mischievous interpretation on this choice of Vithalbhai by the Swaraj Party for the Presidential chair, and said that this selection of theirs was motivated by a different consideration altogether. The *Times of India*, in its leader of the 15th of August, 1925, said: "We can understand the Swarajists trying to get him (Vithalbhai) into it (the Presidential chair) in order to get rid of a thorn in their side. But there again we hope that they will not permit a mere party convenience of that kind to sway their judgment in so important a matter." The fact is that Vithalbhai was a thorn in the flesh, not of the Swarajists, but of the officials, because he was the one obstructionist who had consistently refused to fall into the snares laid for the Swarajists by the Government. They could mislead Motilalji off and on, but they could never get at Vithalbhai. They should therefore have been happy to get rid of this obstructionist by putting him into the position of the Speaker who did not speak; but they also knew that the Speaker Vithalbhai would not give them the latitude which they had been accustomed to, under the Viceroy-Presidents and the Presidents nominated by the Viceroy. While the obstructionist Vithalbhai had, as things stood, only some nuisance value, the Speaker Vithalbhai could deprive them of the age-long privileges they had been enjoying, under an unhealthy tradition, of riding roughshod over the popular will and of setting at naught all the inherent rights of a genuine democracy. The officials therefore had made up their mind to see that in no case was Vithalbhai elevated to the Chair. They had a further grievance against him. His refusal to meet the Viceroy when the Viceroy had

gone to Bombay in his official capacity, and his statement on that occasion that, rather than accepting the invitation to meet him — the invitation which had come to him in his capacity as the President of the Bombay Corporation, he would throw off the Municipal Presidentship itself, were trotted out by the Anglo-Indian Press with a view to the establishment of their view that, in these circumstances, 'to elect Mr. Patel President of the Assembly would come perilously near being discourteous to His Excellency the Viceroy.' They discountenanced the view held in certain quarters, the view held by the Municipal Commissioner of Bombay, for instance, that Vithalbhai would make a good President of the Assembly because he had proved himself to be a capable President of the Bombay Municipal Corporation. "Our view is", said the *Times of India*, "that even the most flighty politician of Mr. Patel's type is often, if not generally, capable of excellent and valuable public service, if only he can be got away from his habitual role of the political contortionist, and pinned down to good sound courses as the President of the Bombay Municipality must be." To put it succinctly, the entire Anglo-Indian Press was alarmed at the thought that the reversion of the office of the President of the Assembly should go to a Swarajist. They denounced Vithalbhai as one who was likely to undermine the constitution and besought the protagonists of the old order and the conservative elements of which there was no dearth in the Assembly to save the situation from the impending revolution. The officials could scarcely be expected to reconcile themselves to the prospect of this quondam firebrand, pulled out of the burning flames of nationalism, occupying the Presidential *Gadi*. Their aversion to the bold, straightforward and challenging attitude of dogmatic pragmatism of the Swarajists was well-known. Their preference for the weak, uncertain and vacillating gradualism of the Liberals was a foregone conclusion. The candidature of a thorough-going 'obstructionist', whose avowed object in entering the precincts of the Legislature was to wreck the Reforms, stirred up fear and panic in their minds. The venom of the Anglo-Indian Press, the scepticism of the Civil Service and the hostility of the European and Moderate members of the Assembly combined to present a dark, dis-

appointing and distressing picture of gloom. When they found that Vithalbhai's knowledge and experience were unassailable, they doubted his capacity to stand the strain of the whirlpools and cross-currents of the controversies sweeping round the Chair. Some opined that his political convictions, predilections and prejudices were so deep-rooted and powerful that these could hardly leave him placid and firm in demeanour when the waves of stormy debates dashed against the Chair. Others averred that he could hardly detach himself from his political adherents and be quite impartial in judgment. Yet others questioned his sagacity in the control of conflicting elements and his ability for the maintenance of order.

Vithalbhai had won a place in public esteem that was not only supreme but, despite unworthy disparagement by meaner minds, absolutely permanent. His was not a rocket flight to fame, nor was his rise a freak of luck. It was not only the Swarajists but everybody, who had no special axe of his to grind, that recognised that in the depth of Parliamentary knowledge — in the essential pre-requisites of a good Speaker — nobody was his equal. His rich and varied experience of the working of the Provincial and Imperial Legislatures had enabled him to acquire expert knowledge of, and excellent training in, Parliamentary rules and customs, conventions and traditions that were so necessary for the taking of the only-partly-elected Assembly from strength to strength, *vis-a-vis* the irremovable and, for all practical purposes, irresponsible and therefore irresponsible executive. He had a keen insight into human nature and an 'unfailing dexterity in the employment of the lighter as well as the heavier weapons in the dialectical armoury'. He had a discriminating ear and the invaluable gift of trenchant humour, and on occasions he could indulge in sallies, which might wound the susceptibilities of individuals for the time being, but which never left any sting behind. Such was the honourable record of long and devoted service to his credit as left no room in the mind of any discriminating student of Indian politics for any doubt or misgiving on the score of his proving himself to be an ideal President of the Assembly. Everybody was convinced that the future of the Assembly would be absolutely safe in his hands.

With all this, the election could not be a smooth affair. The official block had definitely and irrevocably set its face against Vithalbhai. Most of the Liberals were equally definite against him. The Muslims under Jinnah were not favourable to him. Jinnah himself was against Vithalbhai, because Vithalbhai was 'too independent a person to beg his help.' The Independents were an uncertain factor, and both sides were wooing them. Rangachariar was the rival candidate. Neither the Liberals nor the officials, however, were very enthusiastic about Rangachariar. They looked upon him as a wobbler. He had let them down the previous year, when, after strongly recommending the House to adopt his Resolution for a Royal Commission on Constitutional Reforms, he withdrew it at the last moment in favour of the Swarajist amendment, and thereby compelled the Independents to vote for the Swarajist motion for the rejection of the Budget. Further they had at least once the experience of having a wobbler in the Chair (in the person of Sir Chimanlal Setalvad), and they fain would have avoided a repetition of that experience. They therefore tried their best to have some candidate who was neither a wobbler like Rangachariar nor an obstructionist like Vithalbhai. Jinnah strove to get the Party leaders to fix upon either Diwan Bahadur Ramachandra Rao or Mr. K. C. Neogy in preference to either of these candidates. It was clear that Jinnah wanted 'to be a king-maker'. If he could get the party leaders to agree in favour of one or the other of his nominees, the elected candidate would owe to him his election 'and the Government would be saved by Mr. Jinnah from having a Swarajist put in the Chair.' But neither Ramachandra Rao nor Neogy would stand, nor would the party leaders agree on either of those names. A Committee composed of six Independents and six Swarajists sat for over four hours to discuss the situation. They could not arrive at a decision. At this meeting, besides the mention of Ramachandra Rao as a substitute candidate to be run by the Independents, there was a proposal emanating from Jinnah that Government should be asked if they would support Ramachandra Rao. The Committee treated that proposal with contempt. They held that this was a matter which should be decided by the non-officials and non-officials only. The

Swarajists had, however, by now decided not to make this election a party question. Rangachariar had implored Motilalji, in writing, not to make it a party question, and Motilalji had agreed. In his manifesto Rangachariar had requested the Independents to support him, if the Swarajists made this a party question. He had said that he was confident of 50 to 55 votes against Vithalbhai, and that therefore if he could get about 15 votes from the Independents he was bound to succeed. Vithalbhai pointed out that Rangachariar's calculation clearly showed that he was calculating on the entire official block voting for him. His contention was that the officials had no business to control this election. He proposed that all the non-officials should meet together informally and decide the issue. If the majority vote went against him at this meeting, he would forthwith withdraw his candidature, but if the majority voted for him, then the other candidate should withdraw, and if he did not, all the non-officials should vote against him in the final official ballot.

Ultimately there was a straight fight between Vithalbhai and Rangachariar. With only a Bombayite and a Madrasite standing as candidates, a considerable proportion of members from the other provinces (with the exception of Swarajists) seemed to care little who got in, and not to trouble to go in time to Simla for the election. Bombay unofficials were almost solidly for Vithalbhai. The only exception was Jinnah. Bombay men were sore at the neglect from which they suffered at the hands of the Government of India, and whatever their differences with the Swarajists they were not prepared this time to toe the line with that Government. They had some doubts about whether Vithalbhai would recognise that his election would oblige him to give up party politics, and be quite correct in his ceremonial and other behaviour. These doubts of theirs were set at rest by Vithalbhai's declaration that he recognised the limitations under which he had to work.

The total membership of the Assembly came up to 143. Not more than 120 however were expected to attend the House on the day of the ballot. The Swarajists proper numbered 44. They were expected to vote solidly for Vithalbhai, whip or no whip. The 12 nominated and the 8 unofficial British members were

expected (though all the nominated members actually did not vote for him) to vote for Rangachariar. The official vote, proper, was 24. The position was thus far balanced. Jinnah did not like Rangachariar, but he liked Vithalbhai less, and he was therefore expected to vote for Rangachariar. On the whole the chances were even, and it was evident that the difference could not amount to more than two or three votes, and that is what actually happened. Vithalbhai obtained 58 votes and Rangachariar 56. N. M. Joshi, Dumasia, Purushottamdas, Harchandrai, Harisingh Gour, Raju, Malaviya, perhaps Setalvad also — all voted for Vithalbhai. Not all the strength of the Congress in the country could have brought success to Vithalbhai. Government had the solid support of the European group, of Jinnah's men, of most of their nominated members and of several Independents and Liberals. Vithalbhai, however, had his own ways of getting round his voters. Nobody canvassed harder than Vithalbhai himself, and by his own inimitable ways he secured the support of several members who could never have been expected to vote against Government.

The day of election dawned as many another day in August, but not so for politically conscious India. It was to make or unmake her destiny. Would the Assembly, dominated as it was by the nominated and European phalanxes, take one more step on the advancing road to legislative independence or would it, as hitherto, stagnate in the common rut of official patronage and tutelage? The country was excited — exhilarated. Her heart throbbed alternately with hope and doubt. Would their chosen Vithalbhai be elected or would Government pressure and 'nominated kowtowing' prove fatal to the legislative independence of India? Its soul passed through a night of agony which even the morning of that memorable day was not to dispel. For the other side, too, it was a night of equal torment. Would all those machinations and ugly manoeuvrings of theirs bear fruit or would they be relegated as so much junk to the waste heap? Would their adopted Rangachariar oblige or would the undesirable win?

The contest was exciting. The galleries were filled to overflowing. The vote was recorded, and the result was declared

after an agonizing suspense. Just before the meeting, Vithalbhai and Rangachariar were seen talking together as happily as a pair of school boys, and they sat together during the voting in which they did not participate. An incident on this occasion which added not a little to the excitement of the hour deserves, at least, a passing notice. One of the *Malis*, just an hour before the meeting, found a parcel in the garden outside the Chamber and it mildly exploded in his hands. The Police experts regarded the affair 'as the accidental combustion of an illicit spirit still or something of the kind or as a rude practical joke.' But the episode and the activity to which it spurred the professional snapshot photographers definitely added to the excitement.

Vithalbhai obtained the *almost* solid support of the Independents 'because of the confidence that he would be a fair President, that he had the requisite ability for the post and that he would not wobble (as Rangachariar might and as Setalvad did) when he wore the wig.' Great attention was paid to the *chit* for straightforwardness and good work given to Vithalbhai by the Municipal Commissioner of Bombay. And so the *Times of India* correspondent in his letter to the *Times of India*, dated the 23rd said: "That *chit* must surely have got Mr. Patel as many votes as the two by which he won. So it might be said that though Government yesterday voted against him, it was a senior member of the I.C.S. who got him elected."

The announcement of Vithalbhai's election by the precarious majority of two was vociferously acknowledged by the people collected within and outside the House. He had won after a neck-to-neck run in a hard and dignified struggle. Public opinion, the will of the people and the strength of the Congress had succeeded against heavy odds. The Gods for the first time seemed to smile on India in revolt. The Government received a set-back. An avowed Congressman, one, who, a few days before, had been violently attacked by the Anglo-Indian Press and the bureaucrats all over the country, was elected to the Presidential Chair of India's Parliament. Verily had the wheel turned full circle. A Congressman as President was a definite landmark on the road to Legislative democracy. It marked a continuity in the progress towards the assertion of the national will,

which was bound to follow in the wake of the extension of the franchise.

Vithalbhai occupied the Presidential *Gadi*, not because of his birth or wealth or social position, but because of his intrinsic merit and devoted public service. A ploughboy — a farmer and a commoner — now sat on the exalted chair which had, for years together, been the close preserve of the peers of England — the Viceroys of India.

Vithalbhai's qualifications for the position that he had now come to occupy were patent to everybody who had been conversant with his work in the Bombay Municipal Corporation. He was a man of brilliant parts. Nobody could deny to him the possession of splendid courage, transparent sincerity, unflinching honesty and a perfect knowledge of constitutional procedure. Of course, he definitely belonged to the left wing of the Congress, and since his arrival in Delhi and Simla he had practically led the extreme section of the Party in the Assembly. On several occasions he had come into conflict with the previous Presidents, and on some of them he was involved in scenes which could be described as disorderly by persons suffering from the obsession of 'respectability.' He had now definitely to modify his ways to some extent, and he did so. He accepted his new position of trust with the full consciousness that, by accepting it, he had incapacitated himself to fight the battles of Swaraj outside the precincts of the Assembly. He recognised that he was no longer a free agent and that his private opinions must 'go into hibernation.' Inspired, however, by the ideal of enlightened patriotism and unflinching loyalty to the country, he now chose to serve the country's interests in a manner, which called for the exercise of constructive statesmanship. The charge against him and his colleagues of the Swaraj Party that they were *mere* obstructionists, out to destroy the existing institutions and the existing order without putting up anything constructive in their place, he could now prove to be hollow. He now sat on the throne of power, not for obstruction, but for helping to create and construct new institutions and a new order. In the ultimate analysis, the criticisms levelled by Indian patriots against the Government of the day were as constructive as any



Hon'ble The President

criticisms could be. What these patriots desired was the demolition of the existing political structure, but that they did, for the definite purpose of laying the foundations of another, and a better and a really indigenous structure, such as was suited to the genius of the people and the conditions of the country.

On August, 24th, enthusiastic crowds lined the way to the Assembly chamber. India's first elected President was cheered tumultuously as he made for the House. The people were particularly interested. An atmosphere of hope, of expectancy prevailed.

The retiring President, Sir Frederic Whyte, announced that the Governor-General had approved the election of Vithalbhai as President of the Legislative Assembly, and turning to his successor, said:

"You have been long enough in this Chamber to know that the Chair has both great opportunities and obligations; and you have already practised the business of Chairmanship in another place in such a manner as to justify us in the expectation that the hand which was so well practised in the management of public business in the Bombay Corporation will not lose its cunning in this great arena."

Vithalbhai promptly rose in response to this delicate compliment, and made the following speech:

"Sir, I rise to thank you most sincerely for the welcome you have extended to me on this occasion ... You were called upon, Sir, to take this office at a very difficult time and you were called upon to guide the deliberations of a peculiarly constituted Assembly, an Assembly in which we have got a majority of elected members, who could not control, and have no power to control, the Executive. Therefore, the traditions and conventions of the popular Assembly, namely, the House of Commons, could not possibly be applied in full under all the conceivable circumstances that may arise in this Assembly. Your task was, therefore, rendered much more difficult. You had to adjust those traditions and conventions to the circumstances of this peculiarly constituted Assembly. It will be a matter of satisfaction to you, Sir, to know that from every section of this House you will have the congratulations of Members for the work you have done.

"The position you have occupied hitherto was the position given to you by His Excellency the Governor-General. The position which your successor will occupy will be the position accorded to him by the elected and nominated representatives of this Assembly. ... In spite of the fact that you were a nominated President, it is pleasing to note that you have not only satisfied His Excellency the Governor-General and the Members of His Excellency's Council, but also the elected representatives of the people. Sir, *you have created precedents and you have established conventions, and it will be the duty of your successor to be guided by those precedents and those conventions.*

"... You will permit me to mention one or two conventions and precedents which you have created. I want to mention them particularly because, when I read them up, they appealed to me. In the first three years of this Legislative Assembly I was not a Member and, therefore, those who were in this Assembly at that time will be able to speak with authority on your work. So far as I am concerned, I used to read the proceedings of the last Assembly with keen interest, although I had boycotted this Assembly. ... When I was reading those proceedings in the first year of your office, I was in the very first year delighted to find that you, Sir, allowed the convention of an annual Finance Bill to be introduced by the Government into the Assembly. Although the Government of India does not require to bring before the Legislature any such measure, it was you, Sir, and I sincerely believe it was you who helped materially in persuading the Government in establishing a convention of that character.

"The second thing, with which I was much more delighted, was that, when the first Finance Bill was under discussion in this Assembly, you allowed certain amendments to the Finance Bill, involving or suggesting new or alternative proposals of taxation. That was, to my mind, a great step forward. It has been generally said that proposals for new taxation must always emanate from the Crown, but you gave a liberal interpretation to the whole matter and allowed certain proposals by way of amendments, suggesting new or alternative forms of taxation. That was a very advanced step, in my opinion, and I was so

pleased at the moment when I read those proceedings that I was half inclined to give up non-co-operation and come to this place.

"Sir, the other thing was in connection with Resolutions. I have always noticed, during the time that I have been here in the Assembly, that you have allowed amendments to Resolutions, which ordinarily other Presidents would not have allowed on technical grounds. You have allowed amendments to Resolutions to be moved in a substantive form, in substitution of the original Resolutions so long as they were, in substance, in order. I must confess I was taken by agreeable surprise when I found that you were allowing amendments in the form of substantive propositions to be substituted by way of amendment in place of the original Resolutions. That was a liberal measure of interpretation that you introduced which, so far as I have read them, is not usually found in the proceedings of other popular Assemblies or representative bodies.

"One word more before I have done, and that is in regard to the Committee of Petitions. It was during your regime that the standing orders were altered so as to enable this Assembly to appoint a Committee to hear and investigate into petitions. Of course we know that that Committee has not done and cannot yet do any tangible work, but I hope and trust that this Assembly will see that in course of time that institution grows into a real and living Committee on Petitions to hear and investigate into popular complaints. (It may be noted here that no work on these lines was done during the entire tenure of Vithalbhai's occupation of the chair).

"I have not the slightest doubt in my mind, Sir, that you have made a splendid President, and by doing so you have made my task much more difficult. I know I will be judged by the standard you have set, and I shall have to strive my utmost to come up to that standard. I have absolutely no doubt that the Members of the Assembly will expect me to carry out the high traditions of this office which you have set up, and I will try my best to see that I acquit myself honourably."

The fact, that while giving compliments to Sir Frederick, Vithalbhai had indicated that he would not feel himself to be

as bound by such strict interpretation of the rules of procedure as the officials may like him to put on them, but that he would, following the traditions laid down by this predecessor, give as wide and as liberal an interpretation to them as was possible, with a view to the democratization of the Assembly, did not pass quite unnoticed, and the Anglo-Indian Press tried to explain away the precedents noted by Vithalbhai. But that was neither here nor there. On the whole, even the Anglo-Indian Press welcomed the appointment of Vithalbhai as the President of the Assembly. In its leader, the *Times of India* said: "This triumph of a Bombay man fills us with joy, particularly as Bombay men are not too popular at Delhi and Simla. This upcountry prejudice against Bombay is always cropping up. Not so long ago, a Muhammadan's description of a Bombay member of the Council of State as a 'blood-sucker, money-grubber and profiteer' was greeted with approving laughter, and recently a great deal of annoyance has been caused in Bombay by the failure of the Government to appoint a Maratha representative to a committee which is to inquire into Army matters. Mr. Patel therefore had all the chances against him and it is a wonderful testimonial to Bombay push and go and sterling personality that he has been successful. We do not altogether admire Mr. Patel's career nor do we agree with his politics. We shall very likely come up against him again in the future; but at the moment, the mood is one of triumphant elation."

After Vithalbhai, Muddiman, Motilalji and Jinnah spoke in eulogistic terms of the work of Sir Frederick as President of the Assembly. Sir Frederick rose amidst cheers and said, in his reply speech, among other things:

"We have only to look back to the stormy days when the Legislative Assembly was brought into being as one of the principal instruments of the new Constitution — and, well indeed, do I remember those days — to realise how slender was the thread by which the life of India's Constitution hung, five or six years ago. Do not be afraid that this exordium will lead to any intrusion by the chair on forbidden political ground. It would, indeed, be a strange thing if the first President, as his last act, should break the *unwritten but inviolable rule, that the Chair*

knows no politics (Was this also for the benefit of Vithalbhai?). ... Perplexities there certainly have been; and from them the Chair can never be wholly free. Who can say why and when a member may catch the eye of the Chair? To reveal that secret would be to let the Presidential cat out of the bag, and even though it might be a mere kitten in the first instance, this diminutive feline creature might easily grow to become a tiger, which would turn and rend the Chair. So I will not open the Presidential bag."

Sir Frederick concluded his speech amidst loud applause, and then the members of the Assembly advanced in turn and shook hands with him. Loud cheers greeted the appearance of Sir Frederick when, five minutes after, he re-entered and sat in Vithalbhai's seat in the Chamber. Then entered Vithalbhai in white wig and black gown, and his entry evoked wild cheering. When Sir Frederick called upon Vithalbhai, to take the chair, Vithalbhai was sitting by the side of Jamnadas Mehta, and Jamnadas has reported that Vithalbhai then turned up the sleeves of his Khadi shirt and whispered to him: "Let the scoundrels see now what happens." True to his word, Vithalbhai gave Government no peace until he resigned his Presidentship in 1930; but he was always within the constitutional bounds. His appearance in wig and gown made no difference in the essential Vithalbhai, though it did mean a certain change in his formal behaviour.

On Vithalbhai's occupying the chair, Sir Alexander Muddiman, as Leader of the House, warmly welcomed the new President and promised him full Government support. He said: "I trust that the relations that have existed between the Chair and the House during the tenure of office of your distinguished predecessor will continue. In our personal relations, as Leader of the House it will be frequently my duty to visit you in your room and discuss the scope of the business before the House, and I trust that the same cordiality and the same harmony will prevail as has prevailed in the past." Motilalji followed, and accorded him a welcome on behalf of the Swaraj Party. He hoped to claim him once more as a member of his Party, *after* he had discharged the functions of his 'new high office', and added: "I may say at once that I am not a worshipper of the

rising Sun. I like to worship the setting Sun, and all I can say at the present moment is that you have filled us with high hopes and that we are confident that you will fulfill them worthily." Jinnah remarked that as the new President he (Vithalbhai) *was now on his trial*, but he felt sure that he would do his utmost to fulfill the expectations they had formed of him. He took care to point out to him (Vithalbhai) that he (Jinnah) did not belong to the Party to which he (Vithalbhai) belonged. That notwithstanding, he said that Vithalbhai could be sure of the whole-hearted support of his, i.e., the Independent Party. Sir Henry Stanyon, on behalf of the European non-officials, joined in the chorus of congratulations which was being sung to Vithalbhai, read to him a homily on the necessity of sending his own private personal political views 'into hibernation', during the term of his office, and said: "The loss of the Swaraj Party is the gain of the House — in accordance with the proverb — *kisse ka ghar jalle — koi tape*" (when one man's house burns, another warms his hands), and ended his speech with: "We sadly miss the President who has gone: we gladly welcome the President who has come." Rangachariar, his rival in the Presidential contest promised him his hearty co-operation in the discharge of his duties, both, as a member of the House, and as his Deputy.

Vithalbhai frankly confessed that it was somewhat difficult for him to discharge the duties of his new office, after having been engaged from 12 to 15 years in public activities, but he assured the Assembly that he accepted it with high hopes and with full recognition of all the implications contained in it. He had, he said, to choose between continuing as a non-official member of the Assembly and accepting the Presidential chair, if it was offered to him, and added:

"Before I made up my mind to stand as a candidate, the decision of this question worried me for days and nights, and ultimately I came to the conclusion that I would be serving the cause of my country better by the choice I have made, and therefore I accept it. The Swarajists are often described as critics, destructive critics; and it has therefore become their duty, whenever an honourable opportunity offers, to show not only

to this House but to the whole world that, if and when real responsibility comes to them they are ready to discharge the duties placed upon their shoulders. You know, gentlemen, that His Excellency the Viceroy was good enough to plead for co-operation with the new President from all sections of the House; my predecessor, to whom we just bade good-bye, also pleaded for such co-operation. May I also appeal to every section of this House for the same co-operation? When I ask for co-operation, Gentlemen, I assure you that I am conscious of the fact that it cannot be one-sided. Co-operation is always mutual; and I particularly ask the Treasury Benches to bear this in mind that when I appeal to them for their co-operation, I am ready in every sense of the term to extend my co-operation to them. (Cheers). The principles which will guide me in the discharge of my duties have already been expressed by me in my letter to the Members of the Assembly. I should have liked to read out those words now, but I am sorry I have not got them with me. In the discharge of my duties, I shall, I assure you, observe strict impartiality in dealing with all sections of the House, irrespective of Party considerations. (Cheers). From this moment, I cease to be a Party man. I belong to no Party. I belong to all Parties. (Hear, hear). I belong to all of you and I hope and trust, my Honourable Friend, the Leader of the Swaraj Party, will take immediate steps to absolve me from all the obligations of a Swarajist member of this House, if, indeed, it has not been done by implication in consequence of my election to this Chair. (Cheers). Misgivings have been expressed in some quarters, fears have been entertained, that I would not meet the Viceroy, that I would do this, and that I would do that. I assure you, friends, that I am going to do nothing of the kind. If the duties of my office require me to see the Viceroy ten times a day, I am here to do so. If for the discharge of my duties it is necessary that I should see every official member of this House, I will meet him. None need have any doubt about it, and none need have any apprehensions about it. Once again, let me thank you for the co-operation that you have promised in the discharge of my duties. (Cheers). I will now ask the Hon'ble members to come up and shake hands with me."

The members then shook hands with him, Sir Frederick Whyte himself, being one of them.

Sartorial exactitude has been one of the essentials of western civilization. Morning dress, the tail-coat, the dinner-jacket, and the thousand and one inhibitions under which the westerner groans have always appeared incongruous, if not ridiculous, to the eastern mind. On ceremonial occasions these exactions reach the climax, and assume gigantic proportions. The slightest variation in the prescribed formula might provoke an indignant rebuke.

Official etiquette in India had been, if anything, more exacting than in the west. Dress and the routine of the Government House had been, in a way, the symbols of sovereignty in India. The average Indian was sought to be impressed by this paraphernalia of suzerainty. The wearing of a prescribed dress implied the acceptance of the relevant distinction.

To Vithalbhai all this was not only a sordid waste of time, but a positive annoyance, and yet having now become one of the dignitaries of the State, he could not altogether pooch-pooch this business, as he could and did in the past. His adversaries secretly gloated over what they wistfully thought would be his sartorial discomfiture. To complicate matters still further, he was pledged, as a Congressman, to hand-spun and hand-woven Khadi. How would Khadi fit in with the sartorial conventions of his office? "He must wear a gown", said some. "Will his wig be made of Oakum?", asked others. Still smaller minds could not picture Vithalbhai occupying the Speaker's Chair in a *dhoti*. He must put on trousers', they were sure of that. All such persons thought that they had now well-nigh scored over him. Vithalbhai's heart, however, was too big to be worried over these trivialities of dress and etiquette. By upbringing and temperament, he was averse to all kinds of foppishness. It smacked to him of social snobbery. He was a people's man and would remain a people's man despite the high position he now occupied. All previous Presidents were correctly groomed. Their well-tailored, well-pressed suits were the envy of aristocrats who thronged to the Old Imperial Council. Vithalbhai was not a votary of aristocratic avidities. He was the chosen representative

of poverty-stricken India, where the vast majority did not have a decent chance to protect themselves from the rigours of the climate. Custodian of the national will, he confounded his critics and the scoffers by occupying the Chair in his usual dress — Khadi and dhoti — but he conceded its legitimate right to traditional practice by wearing the Presidential wig and robe — yes, wig and robe — but wig and robe made of Khaddar. The robe had to be stitched overnight. The ever-obliging Sarojini Naidu most cheerfully presented her black silk sari made of pure Khadi for the Presidential robe. Thus was Vithalbhai clad in nought but pure Khadi, though he maintained the dignity and respected the traditions of his office by wearing the robe and the wig.

Chapter Twenty-Six

BEHIND THE SPEAKER'S CHAIR

THE Assembly over which Vithalbhai had the proud privilege to preside included some of the most brilliant men of the time. On the Treasury Benches there were such stalwarts as Sir Alexander Muddiman and Sir Basil Blackett — men capable of withstanding the stiffest opposition imaginable, such as came from the Swarajists and the Independents — men like Pandit Motilal Nehru and Mr. Mahammad Ali Jinnah, who, when combined, were almost unassailable and whom the Treasury Benches tried to separate whenever they could. On the major issues that came up before the Assembly, there were in actual practice only two parties — the Popular Party and the Government; but on side issues and minor questions the Popular Party divided into several small sections, the Treasury Benches being always on the alert to take full advantage of those differences of opinion. The Treasury Benches had, on their side, all the European and Anglo-Indian representatives, all the representatives of vested interests, all the reactionaries, most of the nominated members and most of the communally-minded men. They presented a solid and an almost impregnable front and their main business was to safeguard, to the utmost of their ability, the Imperial interests as against the encroachments against them of Nationalistic India. On all important questions, the Government and the Indian Nationalists were almost equally divided, with the result that there were not a few trials of strength of the most tense and exciting nature; and these were the occasions on which Vithalbhai's capacity as the first elected President of the Assembly was put to its severest test.

The leader of the House was Sir Alexander Muddiman, the Home Member of the Government of India. By his geniality of temperament and a general *bonhomie*, by his tact and resourcefulness, and by his mental equipoise and undoubted capacity,

he commanded the respect and confidence of the whole House. He made his mark not only on the floor of the House, but also in the lobbies and the society of Delhi and Simla. Intellectually, he may not have been quite in the front rank of politicians, but his abundant fund of wit and humour, his remarkable shrewdness and imperturbable affability, and his easy, cheerful and pleasant manners disarmed all opposition and suspicion. It was his apparent frankness and sincerity which helped him to reduce to the lowest possible limit the unavoidable bitterness and unpleasantness which was a characteristic feature of the several acrimonious debates of those days. He was known for his sagacity and for his balance of mind, and he had acquired a reputation for being intellectually alert to the logical value of the issues debated in the House, and for being endowed with a shrewd and penetrating insight into human motives and human conduct. He was always ready to assist or advise or support anybody who needed his assistance, advice or support. Vithalbhai knew him from the time when he acted as the Secretary of the Old Imperial Legislative Council of which Vithalbhai was a distinguished member. Sir Alexander had wide knowledge of parliamentary traditions and conventions, etiquette and manners; and it enabled him to set matters right in this rather difficult Assembly. It may be added that Sir Alexander was largely instrumental in maintaining that cordiality of relations among the members of the Assembly which his successor — Sir James Crerar — signally failed to achieve in subsequent years.

On the popular side, it was Pandit Motilal Nehru, the leader of the Swaraj Party, who dominated the stage. The Swaraj Party was numerically the strongest party in the Assembly, and it had entered the Legislature with the avowed object of putting up a determined front against the sham and ridiculous show of the so-called Responsible Government which the British Government had put up. The Party was known for its rigid discipline, and had evoked, by the way in which it functioned in its initial stages, unstinted admiration from everybody concerned. With these well-disciplined and highly cultured servants of the public, constituting the Swaraj Party at his back, a towering personality like that of Pandit Motilal Nehru was bound to shine.

Motilalji was a great parliamentarian, and a political strategist of the highest order. The placid, unimaginative and prestige-ridden occupants of the Treasury Benches were frequently seen to be uncomfortable, and sometimes perplexed, before the intellectual acrobatics of Motilalji in the Assembly. Motilalji was cool and rigid in his general estimate of things, but scrupulously honest in all his dealings. His fearlessness was, in a measure, interchangeable with his self-love, but he had a smartness and a superior air which was all his own. He was a born aristocrat and a lover of all the good things of life. His polished manners, his superior culture and his intellectual attainments secured for him a first place in the social and political life of the country. His patriotism was of a proud and challenging character, and he had a clear-cut vision of the needs of the country. Humour and cynicism had their due place in his conversation. He was a brilliant conversationalist, and his conversation evoked admiration even from his opponents. His knowledge of law and constitutional procedure was profound. This, coupled with his sensitiveness, made it impossible for him to tolerate the nonsense which was displayed by the votaries of halfbaked theories of democracy. He commanded, in full measure, the respect, admiration, and confidence of his people, because of his vast intellectual powers, his habits of methodical work and his determination not to flinch from sacrifice of any kind in the interest of the country.

Jinnah was the leader, not of the Muslims, but of the Independents — the party only next in importance to the Swarajists. An able lawyer, an ardent Nationalist, a man with his head on his shoulders, refusing to toe the line with anybody, he was a tower of strength to the opposition. He was intensely practical, scrupulously meticulous, but liable to be swept off his feet and thrown into transport of ecstasy or depression. He knew no fear, and showed rare courage in challenging the claims of superiority put forward by anyone in the House. From the Muslim point of view he held the key position. In those days he was far from being a communalist. He was an Independent, and the Independents definitely leant to the Nationalist side. He was a confirmed believer in the British theory of the Balance of Power,

and did play his cards with remarkable success. Jinnah was no orator; that was not his trade. But he was a first class debator — one of the most effective and polished debators the Assembly had ever known. The dominating note in his character was fearlessness, and he yielded to none in matters which involved honour or self-respect. His pleadings for the National cause were so vigorous and virile that several of the strongest Nationalists paled into insignificance before him. A perusal of his speeches in this Assembly would convince anybody that communalism and bigotry could hardly be any part of his being. It would certainly be an interesting speculation for the future historian of India to establish a proper connection between the Jinnah of 1925 and 1926 on one side and the *Quaide Azam* of later days on the other.

Next to these two leaders of the two prominent opposition parties, and next only to them, came Pandit Madan Mohan Malaviya, the doyen of the Assembly, respected by everybody in the House, not only on account of his age and long connection with it, but because of his untiring and incessant efforts to bring about a spirit of goodwill and amity in the Assembly as well as outside the Assembly. Even his bitterest opponents bore no ill-will to him. His spotless purity made him almost an angel of peace in the public life of the country. Undaunted by failures and ever optimistic, Malaviyaji was looked upon by all the different sections in the Assembly as the harbinger of peace and solace. Malaviyaji was a Congressman throughout his life, but he never became a member of the Swaraj Party. He was a firm believer, in spite of continuous frustration, in the so-called fruitful policy of co-operation with the Government. He was never a militant firebrand; on the contrary, he accepted without any mental reservation the constitutional superiority of the British Parliament. This veteran's reverable personality, so well-known in his palmy days for his silver tongue, had not yet lost its accustomed vigour and vitality, and he attacked all the obnoxious measures of the Government with a skill which came out of his inimitably persuasive methods of argument. Even the Europeans in the Assembly marvelled at his oratory and command, not only over the language but also, over the facts and

figures which he marshalled with complete confidence. It must be admitted that his invincible optimism proved rather a hindrance than a help on many a crucial occasion. His hold on the hearts of the people remained intact throughout his life, but his capacity to appeal to the heads of the Treasury Benches was always a doubtful proposition. He held the key position in the Assembly in so far as the Hindu Mahasabha politics were concerned. Needless to say that the Hindu Mahasabha politics of those days were essentially different from their politics of today.

Bipin Chandra Pal, the one time hero of Bengal — the Bengal of the first partition days — was also there. He was now, however, a thoroughly changed man. Who could visualise this tiger of Bengal, who roared before the numerous public meetings of those days as one of the eminent trio of Lal-Bal-Pal and fearlessly defied the despotic Government, now falling so low as to use his pen in the service of the Anglo-Indian papers, and losing all the erstwhile vigour of his patriotic fervour? His burning patriotism, his intellectual supremacy and his undoubted power to move the hearts of his fellowmen had created a halo round his name, but now they served only to remind one of the trials and sufferings he had undergone in the past. Even in these days of his waning popularity, however, his reputation as a prolific writer, as an able journalist and as a first rate orator had to be reckoned with. He called himself an Independent, but, in actual fact, he was no more than a Liberal.

Lajpat Rai, the lion of the Punjab, was not in the Assembly during its Session of August, 1925. He took the oath on the 21st of January, 1926. He was one of the most conspicuous and striking exponents of the Nationalist point of view. His sincerity, earnestness and fearlessness were recognized on all hands. His courage of conviction had become proverbial. He seemed evidently oppressed with the feeling that foreign exploitation had degraded the country to the lowest level imaginable. As an eminent educationist, an ardent social reformer, and a capable journalist, he had been dominating the public life of the Punjab, if not of the whole of India, all along, since he first came into the limelight during the agitation consequent upon the first Partition of Bengal. Ever since then he was known for his

determination to serve the poor and the down-trodden in all possible ways. He had a genial and benevolent temperament, a generous and a sympathetic heart, and he was one of the ablest and the most effective orators of the country. He could rouse the indignation of the masses by his onslaughts on the wickedness of the Government to which he traced the wretched and miserable conditions that prevailed in the country. His writings were proscribed by the Government, and one of the questions that disturbed the Treasury Benches during the 1925 August sitting of the Assembly related to these proscriptions. Owing to the innumerable hardships and persecutions to which he was subjected by the alien Government, bitterness had entered his soul. It was a sight to see this lion of the Punjab roaring in the Assembly with uncommon and indomitable vigour.

In Rangaswamy Ayyangar the Assembly had an astute politician and an expert constitutionalist, in Jamnadas Mehta a keen student of finance, in N. M. Joshi and Dewan Chaman Lal two of the closest students of labour problems, in Purushottamdas Thakordas a capitalist who looked carefully into all the problems connected with trade, commerce and industry. There were again men like Ranga Ayyar, M. V. Abhyankar, Shanmukham Chetty and T. C. Goswamy who represented the fire and enthusiasm of the younger generation of the country. Sir Harisingh Gour, who died only recently, outwitted, by his scholarship and expert knowledge of the Law, not only the Treasury Benches but also the President himself on several memorable occasions. Sir Sivaswamy Iyer, N. C. Kelkar, Ramachandra Rao, Aney, Neogy and a host of other competent men represented the sane and sober elements, and stepped in, whenever they thought that their intervention would prove fruitful. In Sir Basil Blackett, Sir Alexander Muddiman had his ablest lieutenant.

The Assembly, in fact, consisted mainly of tried and experienced men whose integrity and absolute devotion to duty were unquestioned. Behind them lay an intensive and lifelong study of public problems. They had made public service their life's mission. They were not there to seek the loaves and fishes of office. Most of them were able administrators and

experienced statesmen. Their one business in life was to render service where service was due — service to the cause of the poor, the oppressed and the downtrodden, and to dislodge, from its exalted position, the unresponsive, obstinate and stupid bureaucracy who ruled the roost for ever so long a time. It was this Assembly, which represented the best brains and the best hearts of the country, and consisted of intellectual giants the like of whom had never been there before, that Vithalbhαι had to preside over.

Vithalbhαι's elevation to the Speaker's Chair was a distinct landmark, if not quite a turning point in his varied career. Till yesterday he was the obstructionist *par excellence*, the stormy petrel of the Swarajist wing of the Congress, whose professed object was to wreck the constitution from within. Today, he had, for all practical purposes, to abandon his party. Till now, slightly to vary Goldsmith's description of Burke, he had given up to Party what was meant for the whole of the Assembly. Whatever he might have achieved so far as an obstructionist, he was now destined to achieve much more by the constructive role that he was to adopt since he donned the robe and wig of the Honourable the President; and the Assembly, as a whole, and not the Swarajists only, stood to gain by the constitutional acumen that was his forte. In one sense, this transition in Vithalbhαι was neither so great nor so violent as it might appear to a superficial observer, at first sight. As a Swarajist he was a non-co-operator with Government. As the Speaker he did not have to, and did not, become a co-operator with Government. His was now the role of holding the scales of Justice even. The Liberals had entered the Councils with the object of making the best of a bad bargain. The Swarajists entered them with the avowed object of showing up the hollowness of the concessions that were supposed to have been made to popular demand in that bargain. If the Swarajists played their cards well, it was not impossible for Mr. President to show up that hollowness, while strictly keeping up his neutrality, for the hollowness was there and it could be hidden under a bushel only if Government could adroitly influence the decisions of the Speaker and if the popular parties in the Assembly were not wide awake to the machinations

of Government. There were several occasions during the period of Vithalbhai's Presidential career when the world at large could see through the chicanery of the Government of India, largely because of the keen-eyed insight of Vithalbhai and the faith which the popular parties in the Assembly had in his courage and independence, as well as in his intellectual alertness. Occasions were not wanting when Government tried to cow down Vithalbhai by exposing him to the charge of partiality, when partiality meant nothing more than not being caught in the snares subtly woven round him by Government. When Government failed in these attempts, they went further and resorted to baser tactics, but Vithalbhai proved a match for them all, and in him they only caught a Tartar.

In his thanks-giving speech on his elevation to the Chair, Vithalbhai had said: "From this moment, I cease to be a party man. I belong to no party. I belong to all parties." And in spite of the several provocations that he had, Vithalbhai scrupulously kept his promise. In fact, his conception of the duties as well as the privileges of the Speaker was an eye-opener as much to his friends and quondam colleagues as to his foes and opponents. He had made a deep study of the requisites of an ideal Speaker, and had made up his mind, in spite of the obvious differences between the Constitution of the House of Commons and that of the Indian Legislative Assembly, to approximate himself to the position of the Speaker of the House of Commons. The Speaker could do no wrong. He must presumably be infallible. He must have a reputation for absolute integrity. He must be the mouth-piece of the Assembly, as the Speaker of the House of Commons is the mouth-piece of that House, one who speaks for, and not to, his fellow-members. The Speaker may well be called the autocrat of the House; his word in the House must be law; his judgment must be unquestioned and his very presence must be evocative of a peculiar deference. At the same time, he must be the servant of the House and must have 'neither eyes to see nor tongue to speak but as the House is pleased to direct.' The Speaker must be ever ready to quell turbulence with a firm hand, but he must display a habitual urbanity of manner calculated to soothe the nerves of an irritable

or excited Assembly. He must make up his mind calmly and dispassionately, but on the spur of the moment, and once his judgment is formed, he must adhere to it inflexibly. Difficult questions arise for the Speaker's decision with startling rapidity; intricate points of order loom suddenly forth from a clear sky; and any show of vacillation would tend very materially to weaken the Speaker's authority. The Speaker must guard himself against all these pitfalls. Then the Speaker must be able to summon his most persuasive powers to induce the culprit to withdraw any offensive words that he may have used. In fact, to a perpetual serenity the Speaker must add such 'a firmness of mind as may enable him to repress petulance and subdue contumacy and support the orders of the House in whatever contrariety of counsels or commotion of debate, against all attempts at infraction or deviation.' Hour after hour has the Speaker to sit in the splendid isolation of the Chair, listening to interminable speeches, of which no small proportion are interminably wearisome. Ever ready to check irrelevancy and to avert personalities, he must always be ready to guide all discursive speakers back to the point at issue, and, bored though he must often be, he must be polite enough to hide the fact.

These are all tall orders, and if the Speaker does not always come up to the ideal, he may well be excused. Vithalbhai kept the ideal before him and tried his best to reach it, and all impartial observers of his conduct in the Chair have opined that his attempt was on the whole quite successful.

As the Speaker, Vithalbhai had another and a peculiar situation to face. He was a man of comparatively simple habits, and he had practised the art of self-denial in personal as well as public life for years. He was the last person to be affected by the snow or smoke of Simla. Love of luxury, worship of wealth, fondness for display or social ambition of any type had never been the ingredients of his essentially plain and homely character. Simplicity of habits is acclaimed as a virtue in one who has risen from poverty. A man who has groaned under unlimited privations has all the tendencies to swing to the other extreme when opportunity offers itself. To be able to exercise restraint, in these circumstances, to spurn the luxury that most

men seek, to scorn delights and live laborious days, is not an easy task. But Vithalbhai was fully equal to it. There was no essential change, there could not be any essential change in the man Vithalbhai. But there is another side to the picture. Vithalbhai may be a plough-boy turned President, but the fact remains that he was no longer a plough-boy; he was now the President of the Indian National Assembly, drawing a reasonably big salary. He could not play the miser and stint on the essentials necessitated by his exalted position. The Speaker is the pivot on which the whole machinery of the Assembly turns. He is, at all events, outwardly, highly honoured and respected, and his word in his sphere is law. The final decision in many matters affecting the conduct of business rests with him. The members of the Viceroy's Executive Council, and the Assembly, as also highly placed Government officials have often to see him at his residence in connection with their official duties. In fact, he is brought into personal contact with almost all the chief personalities of the time either because of the social or the official position they happen to occupy. If the Speaker has to keep an open house to receive these eminent personalities, he can see his quondam colleagues of the party to which he belonged, only in this way. The only acknowledged and legitimate way in which he could see anybody is to invite him to tea or dinner. In order to understand the exact nature of the difficulties or wishes of his erstwhile colleagues, Vithalbhai found such social contacts almost inevitable. In fact, Vithalbhai extended such invitations to all irrespective of party or personal considerations, and such occasions were frequent. The arrangement of these parties was a tremendous job by itself, but Vithalbhai could manage it, only because Sarojini Naidu was there, whenever wanted, to give her unstinted help in the management.

Vithalbhai selected 20 Akbar Road for his house. It was a house which could be considered to be too big for his personal requirements, but certainly not too big for the functions incidental to his official duties and position. It was impossible to keep it clean and tidy without a staff of eight or nine domestic servants. The maintenance of the essential staff was costly enough, but that was nothing by the side of the expenditure on

several other items incidental to the entertainment which Vithalbhai had to offer in the proper discharge of his new social responsibilities. He had to pay a rent of about Rs. 400 per month for his house, had to engage a staff for maintaining a garden, had to buy any amount of furniture (useless to him elsewhere) and huge quantities of glass, cutlery and utensils of all types necessitated by the requirements of the hospitality he was expected to extend. Thus was this man of simple habits forced to live what the orthodox Congressmen may choose to call the life of a Nabob. Congressmen have now apparently discovered that the experiment they tried of fixing the salary of Ministers at Rs. 500 per month was absurd, and have realised that salaries paid to members of Government or to Ministers are often not adequate to meet the expenses they have to incur. That the salaries paid to Public Servants in high positions must be consistent with their public duties and must keep them above want and above temptations is an axiomatic truth, and it should have been realised by every man wide awake to the realities of life, but some of the doctrinaire visionaries of the No-changer section of the Congress had turned their blind eye to this aspect of the question. Vithalbhai's position in this matter was quite clear. He was never a visionary, and he had always held that this demand of a so-called sacrifice on the part of such public servants was calculated to do more harm than good.

Vithalbhai's expenses during the time he was the Speaker amounted to Rs. 2,000 per month, and his net salary — excluding income-tax — amounted to Rs. 3,625 per month. Vithalbhai made over the whole balance of Rs. 1,625 per month to Mahatmaji, 'to be utilised hereafter in such manner and for such purpose as you (Mahatmaji) may approve.' Mahatmaji himself congratulated Vithalbhai on the generous spirit which had actuated him in parting with a substantial portion of his salary for a public object, and hoped that his example would prove infectious.

We make no apologies for publishing the relevant correspondence.

BEHIND THE SPEAKER'S CHAIR

Bombay, 10th May, 1926.

Dear Mahatmaji,

When I accepted the office of President of the Legislative Assembly I had made a resolution within myself that I would devote the savings from my salary towards the furtherance of some object calculated to promote the national welfare. It was not possible for me for various reasons to save anything worth the name within the first six months. Since the last month, however, I am glad to say that I am quite out of the woods, and can, and do, save a substantial amount. I find that, on an average, I require Rs. 2,000 per month for my expenses. The amount of my net salary, excluding income-tax, is Rs. 3,625. I propose, therefore, to set apart Rs. 1,625 per month, beginning from the last month, to be utilised hereafter in such manner and for such purpose as you may approve. I have, of course, some ideas in the matter, and I will in due course discuss them with you. But whether you agree with me in those ideas or not, the amount is at your disposal.

I enclose herewith a cheque for Rs. 1,625 for the month of April.

I trust you will not decline to take this responsibility.

I am,
Yours sincerely,
(Sd) V. J. Patel.

* * * *

Sukhdale,
Simla, 31st May, 1926.

My Dear Mahatmaji,

I enclose herewith a cheque for Rs. 4,325, Rs. 1,625 being my contribution from my salary for the month of May, and Rs. 2,700 representing the balance I had in hand out of the amount of Rs. 3,200 actually collected for the purse of Rs. 5,000 which my colleagues of the Bombay Corporation had subscribed on the expiry of my term of office as President of the Bombay

VITHALBHAI PATEL

Corporation. I had already explained to you personally when I last met you at Sabarmati why this balance, which in normal circumstances I had intended and announced to spend for such purposes of the Swaraj Party and the Bombay Municipal Nationalist Party as I considered proper, I now propose to remit to you to be devoted to the fund to be started from my monthly contribution out of my salary.

I learn that you propose to proceed shortly to England, and perhaps you will have no time to consult friends and settle the object on which, and the manner in which, the fund should be expended. If that be so, the fund may be allowed to accumulate till you return, and I shall be regularly remitting my monthly contribution to whomsoever you name.

The Private Secretary to the Viceroy writes to me to say that His Excellency desires to have another talk with me and will write to me later as regards the time and date as soon as His Excellency is free from his other engagements.

I hope Devidas is picking up. Will he come to Simla at all, or is he accompanying you to England?

With kind regards,

Yours sincerely,
(Sd) V. J. Patel.

* * *

The Ashram,
Sabarmati, 25th July 1926.

Dear Vithalbhai,

I have your letters with cheques in all amounting to Rs. 7,575 being a portion of your three months' salary as the Speaker of the Assembly together with the balance of the purse of Rs. 5,000 presented to you. You have asked me to spend the amount for 'an object calculated to promote the National welfare in such manner as I may approve.' Since writing that letter, you have discussed with me personally your views about the use of your handsome donation. I have been taxing myself as to what I should really do, and I have *finally come to the*

decision to let the amount accumulate for the present. And I am therefore depositing the money in the agency account of the Ashram for six months certain, so as to get a fair interest. And, as soon as party feeling has eased, I propose to invite the co-operation of a few mutual friends and then in consultation with you and them to use the money for some commendable national purpose.

Meanwhile, I tender my congratulations for the generous spirit which has actuated you in parting with a large portion of your salary for a public object. Let me hope that your example will prove infectious.

Yours sincerely,
(Sd) M. K. Gandhi.

Sjt. Vithalbhai J. Patel,
 'Sukhdale',
 Simla.

* * * *

In this connection there is an episode, which, in spite of its unpleasantness, has to be recorded. Motilal Nehru and Vithalbhai had worked for years as brothers and comrades in arms. Motilalji wished that Vithalbhai should give half his salary to the Party funds of the Swarajists. Vithalbhai, at one time, had 'favoured' the idea. On second thoughts, however, he thought that, as the Speaker and a non-party man, it was not right for him to make any contribution to the Party funds. He did what he thought was the correct thing to do when he sent his contribution to Mahatmaji, instead. Motilalji appears to have acquiesced in the arrangement, but not quite willingly. In fact, some sort of estrangement between Motilalji and Vithalbhai had begun to appear since the time the Tatas appeared on the scene. This incident added fuel to the smouldering embers. It is difficult to believe that Motilalji could not see the logic of Vithalbhai's reasoning, but so it was, and though apparently everything was all right between them, since this occasion there was a definite rift in the lute in regard to the relations between Vithalbhai and Motilal Nehru.

Correspondence between Vithalbhai and Mahatmaji on these matters throws abundant light on the whole of this situation, and we therefore take the liberty of quoting it in full:

Sukhdale,
Simla, 1st June, 1926.

My Dear Mahatmaji,

It has pained me much to read Panditji's letter to you, a copy of which Mahadeo was good enough to send me under your instructions.

It is my misfortune that with the best will in the world I am often misunderstood both by friends and foes alike. The fact is that the question as to what I intend to do with the savings from my salary was never seriously discussed with me either by Pandit Motilal or any other Swarajist leader. It is no doubt true that suggestions were made on odd occasions from time to time more in a loose manner than with any degree of seriousness — one of the suggestions being that as soon as it was possible for me to do so, I should contribute half my salary to the party funds. Panditji is quite right in saying that I favoured that suggestion; but he knows too well that neither he nor I considered the question whether it was proper for the Speaker to make any contribution to the funds.

The matter, however, did not take any definite shape till Mr. Srinivasa Iyengar on the occasion of the Swarajist's walk-out made a concrete proposal that it would please Panditji if I agreed to contribute to the Swaraj Party funds half of my salary from the month of April. I resisted that proposal as soon as it was made, and pointed out to Mr. Iyengar that the propriety of such a course was not free from doubt, and that Panditji himself would not insist on my adopting that course. I do not know how Mr. Iyengar could have given Panditji to understand that I had agreed to his proposal. In order to remove any misunderstanding I personally discussed the various alternatives with Panditji before I left Delhi; but, as we could not agree on any particular suggestion, we decided to leave the matter to you. I am now quite clear in my mind that it is not right for me, as Speaker of the Assembly representing all parties, to make any contributions from my salary towards the fund of any one Party,

BEHIND THE SPEAKER'S CHAIR

and I have no doubt that you will have no difficulty in determining the object, or objects, on which this fund should be expended. I know I have offended Panditji by refusing to join in the walk-out of the Swarajists in spite of his strong views in that behalf; but time alone will show who is right and who is wrong.

With kind regards,

Yours sincerely,
(Sd) V. J. Patel.

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The Ashram,
Sabarmati, 25th July, 1926.

Dear Vithalbhai,

Almost every day I have been obliged to put off this enclosed little letter. Some thing or other has come in to postpone it. If you approve of the tenor of the letter, please telegraph and I shall publish copies of your first letter and mine. If you have any alterations to suggest — absence of any telegram from you I shall regard as a warning not to publish the correspondence and shall await your suggestions.

Yours sincerely,
(Sd) M. K. Gandhi.

Sjt. Vithalbhai Patel,
Simla.

* * * *

Shukhdale,
Simla, 28th July, 1926.

My Dear Mahatmaji,

Your letter with a copy of the draft reply to my letters enclosing cheques representing my contributions from time to time out of my salary. Many thanks.

Perhaps you are aware that my term of office will expire with the dissolution of the Assembly, and it is my intention to

seek re-election with a view to enable the Assembly to establish a convention similar to the one which obtains in the United Kingdom. If the Assembly chooses to re-elect me, I propose the same arrangement regarding my contribution from my salary for a period of three years. I am not sure about the wisdom of publishing our correspondence at this stage. Such publication, I am afraid, is bound to be construed in some quarters as an attempt on my part to influence the election in my favour. You are probably aware that I am, unfortunately, not without mean political rivals who are always ready to twist and turn anything that they can get hold of to my prejudice, regardless of the effect of such a course on national interests. Don't you think that, in the circumstances, it is *better to delay the publication* of the correspondence till January next, when the election will be over, and it will be definitely known whether I am out of office, or whether a term of three years is ensured to me. There will not then be the slightest objection to the publication of the correspondence at that stage. If you, however, do not agree with this view, I shall return the draft reply with one or two small alterations, which I propose to suggest for your consideration. I have already received my pay bill for the month of July and, therefore, enclose herewith a cheque for Rs. 1,625 representing the amount of my contribution for that month.

I had a letter from Devidas, and it seems that he is quite happy at Mussoorie and does not feel inclined to move from there for another couple of months. I do not, therefore, propose to disturb him in his plans.

With kind regards,

Yours sincerely,
(Sd) V. J. Patel.

The election of a plough-boy to the Presidential Gadi, hitherto occupied by the Viceroy and the Viceroy's nominees, was certainly a big step forward in the history of Indian Nationalism. The event was such that it was bound to strike the wildest imagination of the people of any country. The layman, ignorant of the intricacies and complexities of the Government mechanism felt that he had now his own man at the helm of affairs at Simla,

and was eager and anxious to secure for himself an outlet for the expression of his feelings. The opportunity came to him only when the Assembly adjourned, for till then, Vithalbhai was tied down to the chariot wheel of duty, and, as was his wont, he had taken it very seriously.

Within five weeks, however, of his election the Assembly was to adjourn *sine die*. Actually the Simla Session of the Assembly came to an end and the Assembly adjourned on the 20th of September 1925. Immediately thereafter Vithalbhai returned to Bombay, the place of his earlier public activities, the place which had witnessed so many ups and downs in his political career, and the place whose people had assessed in proper perspective his worth and value as Patriot, Politician and Statesman.

Bombay accorded him a right royal reception — a reception which Kings might envy. Bombay knows how to honour her heroes and patriots, and was seen at her best in her welcome to President Patel. Innumerable associations and bodies had arranged to accord a most cordial welcome to Vithalbhai and to present addresses to him. Vithalbhai had hardly the time for all of them, but knowing the affection in which he was held he disappointed nobody. In particular he expressed his grateful thanks to the people of Bombay, in a meeting held under the auspices of the B.P.C.C., for their love, affection and confidence which he had all along been privileged to enjoy, and assured them that he was their own old Vithalbhai, whatever the station in life he might be holding for the moment. He told them that at the moment he was called upon to play a rôle different from his usual and customary rôle, that his new office had placed several hurdles in his way, and that, so far as politics was concerned, his mouth was gagged. He however requested the people to wait and see and not be hasty in their judgment of his action and motives. He further significantly assured them that the snow and smoke of Simla would not affect his actions and activities, and that he was prepared to be judged by the results achieved.

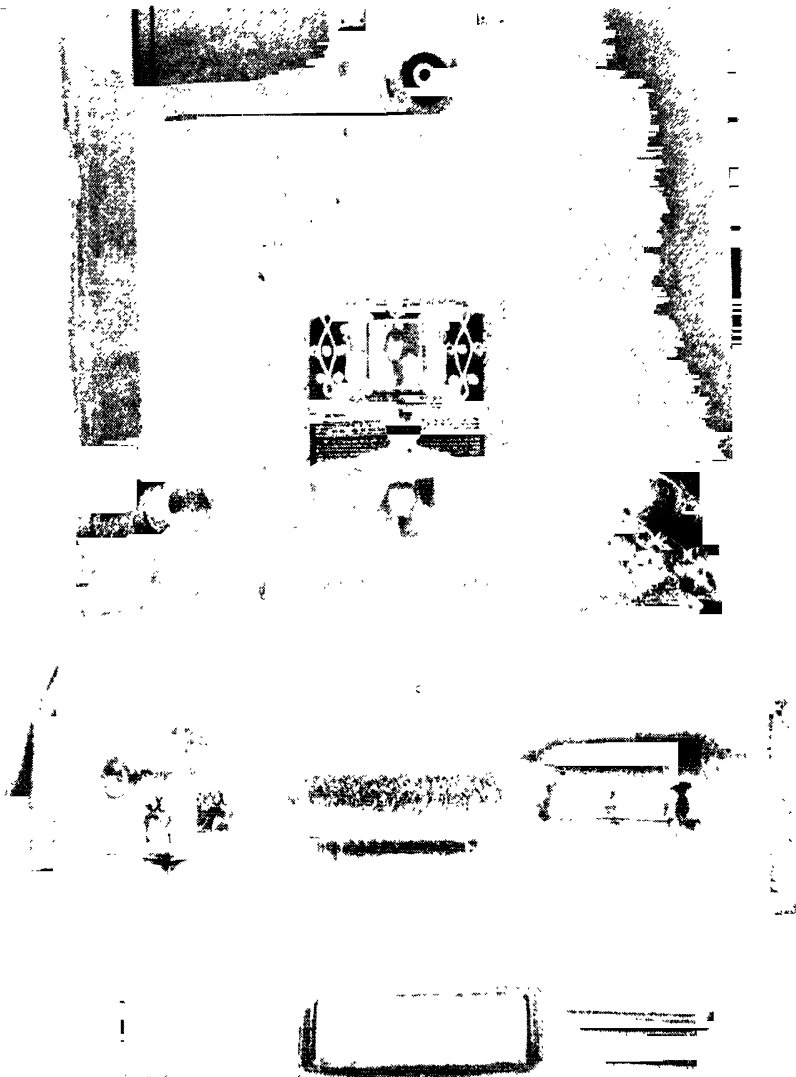
Among the several pleasant functions of welcome arranged by the citizens of Bombay, the one arranged under the auspices of the Patidar residents of Bombay was the most pleasant, the

most cosmopolitan and the most significant. All the elite of Bombay was there, and everybody felt thoroughly pleased. While expressing his grateful thanks to the public assembled there, Vithalbhai took particular care to mention that he did not belong to any particular community, that he professed no particular creed, that he belonged to India as a whole and that his religion was Indian Nationalism and no other.

Bombay was comparatively easy to manage, but now invitations poured in from all over the country — particularly from all over Gujarat. Wonderfully enough he had a peculiarly soft corner in the hearts of several people saturated with Gandhism. These people were too anxious to express their joy and pride at the elevation to the exalted position of their esteemed friend. They simply did not care to realise that Vithalbhai could not have the necessary time for such a plethora of functions. Anyway it was not for Vithalbhai to turn down so many of the pressing requests from the people of his homeland. There was no room for logic and reason when there was a call from the heart.

A hurricane tour in Gujarat thus came to be arranged. Surat, Broach, Baroda, Anand, Karamsad — his native place, Borsad — the birthplace of his public activities, Nadiad — the place where he received his education — each one of these places had the honour of a visit from him. At all of these places were presented to him addresses of welcome in precious caskets, and each of these places competed with every other place in doing him honour.

The most notable of these functions, however, was the one arranged by the Ahmedabad Municipality. Sardar Vallabhbhai was the President of the Ahmedabad Municipality at the time, and it was he who read the address of welcome. Vithalbhai was not a little embarrassed at these outpourings of joy in Ahmedabad, as Ahmedabad was then the stronghold of Gandhian philosophy and Sardar Vallabhbhai was a pronounced No-changer. Vithalbhai expressed his particular pleasure at this reception, and he said that he was thankful to them all in that they were there to honour him as the President of the Legislative Assembly, which meant that the citadal of No-changers gave its tacit ap-



A small selection of
the numerous caskets presented to Vithalbhai
by public Associations and Bodies

proval to the pro-change policy. To the Municipality he gave some wholesome advice — the kind of advice which almost all the Municipalities of this province badly need. He told them that, in the interest of good administration, it was absolutely necessary that they should never meddle with the Executive functions of the Municipality. Outside Gujarat, Vithalbhai had to visit several places including Kurla, Thana, Bassein, and Poona. Everywhere he received a most cordial and warm welcome. Within the limited time at his disposal he had to visit not less than a hundred places — and at each of these places he received an Address of welcome in a precious casket.

This extensive tour, if it did nothing else, demonstrated, as nothing else might have, the extent of his popularity and the confidence which he had engendered in the public mind.

In the midst of pomp and power, however, Vithalbhai continued to be the man that he was. Office did not affect in any way his ideas of relationship between man and man. His unassuming manners and habit of extending warm reception to one and all, even when the person received was a *mali* or a peon, continued all along. He never believed in forms or formalities of any sort, or any of the conventional lies of civilisation. He had not accepted at any time in his life the superiority of man over man. He had the capacity to come down to the level of a man who did menial work and to put himself on a footing of equality with him. In the morning rounds that he took in his garden, he would go to the gardener, address him as a brother would do to his brother, put him at ease and make him feel that he was somebody doing an important piece of work for the society. Vithalbhai never forgot that he was first and foremost an agriculturalist, that he had dedicated his life to the service of the poor and down-trodden peasantry of India and that whatever service was rendered to this much neglected class of society was service rendered to rural uplift and rural regeneration of India. His knowledge and love of agriculture was noted by those who had the privilege of moving with him in his garden and on the fields. He would sit down with perfect ease on the lawn, make the *malis* sit down by him and discuss freely the varieties of trees and plants and crops and their utility for

agriculture or medicine, and also the problem of growing certain plants under certain climatic conditions. The *malis*, who never had the privilege before of coming anywhere near the Hon'ble the President, and much less an opportunity to talk to him, were agreeably surprised to find this healthy and marvellous change in their surroundings. It was indeed an eye-opener to the snobbish elements of society to see this high dignitary, chatting with poor menials, sitting on the same lawn with perfect ease, cutting jokes, revelling in rural anecdotes and making them laugh as heartily as they would in their own houses. The awe-inspiring, grim and reserved demeanour of the Hon'ble the President would give way immediately to easy and light manners, full of fun and smiles, in his dealings with persons placed far below him in life. Peons, clerks and all the lower staff soon found out by observation and experience that in Vithalbhai they had a real President of the people, accepting the office for service to his fellowmen.

Vithalbhai's official personal assistant was one Mr. Mallitte, a European. Mallitte was a most sincere, obedient, loyal and methodical personal secretary to Vithalbhai. Perhaps he was not extraordinarily competent or extraordinarily intelligent. In fact, Vithalbhai's standard of competence and intelligence was so high that hardly anybody could come up to his expectations, but Vithalbhai was not the man to bother about these considerations, so long as the person concerned carried out his instructions loyally, seriously and in a straightforward manner. He had gauged the capacity and the usefulness of Mallitte and adjusted himself to Mallitte's attainments in such a way as not to make him feel that he was not either fully trusted or depended upon for the discharge of the duties that could be considered as his. By his easy manners in private life, Vithalbhai made Mallitte feel within a short time that he was worth much more than he was taken to be. Vithalbhai was a very exacting and a hard task-master in getting the duties willingly accepted by the person concerned properly discharged, but he did not mind at all if anybody refrained from accepting the responsibility for carrying out his wishes because of his unwillingness or his incompetence.

It was during the extensive tour that Vithalbhai had to undertake in Gujarat in connection with the numerous addresses and receptions that were arranged by the people in his honour, that Mallitte got numerous opportunities to have a real peep into the personal character and temperament of Vithalbhai. Mallitte had accompanied him to all the places he visited and had admirably adapted his mode of living to Indian rural life. He ate with hands, squatted on the floor and behaved, in every way, as if he were born and bred to the soil. Here he found the stiff-necked and rigid disciplinarian, who lorded it over within the Assembly Hall as Hon'ble the President, to be quite a different man altogether. In the midst of his people, Vithalbhai appeared to him to be the most lovable, the most simple and perfectly humane being he could imagine. Mallitte became so used to these new ways of life, the like of which he had never witnessed before, that he not only felt perfectly at home in all these places, but also perfectly understood the heart of his boss and the friends of his boss. He appreciated Vithalbhai's habit of cutting jokes and making fun of men and matters without any sinister motive behind it. When Vithalbhai visited Surat, several leading Congressmen, most of whom were Non-changers and therefore prejudiced against the Swarajist creed and policies, came to see him. Naturally Vithalbhai was in one of his most light-hearted, mischievous and jesting moods. People were putting him all sorts of questions by way of defence of the Gandhian creed, indirectly hinting that they stood for their principles while paying homage to Vithalbhai, not because he was the President, but because he was an eminent patriot. It was no part of Vithalbhai's behaviour to snub people who differed from him. He dealt with them with his gifted weapons of wit, humour and satire — weapons of which he had an abundant store. He would not, in such gatherings, allow any undesirable heat to generate and yet would not have the party concerned to go unreplied. Some one remarked that now that he (Vithalbhai) had become the big boss of the Government show, his original fire, enthusiasm and burning patriotism were bound to wane, his associations with Government servants and highly placed snobbish Sahibs of society were bound to bring about that result. As if to

relieve the gathering tension in the meeting Vithalbhai quietly said: "Nathoo! cigarettes please," and there appeared Mr. Mallitte, his secretary, with a 555 tin of cigarettes. This naturally excited laughter. But Dayalji Desai and Kunverji, the well-known Congress leaders of the Surat district and avowed Gandhites, (and yet on very intimate and friendly terms with Vithalbhai, in whom they had implicit faith, no matter what he did and where he went), felt that Vithalbhai was carrying his habit of cutting jokes rather too far, and that his joke implied an insult to Mallitte, who was obviously also their guest. They expressed their feeling to him, within the hearing of several persons sitting near them. In the same jocular and satirical way, Vithalbhai replied, that they did not understand the significance of what he did. He added that he was teaching those people to get in readiness to prepare *hukka*, as we would need a good many of them to attend to our *hukka* business when we got our Swaraj. The gathering enjoyed this dry humour of Vithalbhai, which was of course full of deep significance, but was naturally not understood by Mallitte as the conversation was held throughout in Gujarati. Be it said to the credit of Mallitte, that he did not take any offence at the remark, although he could see that Vithalbhai was treating the crowd with some fun at his expense. This habit of Vithalbhai, of cutting jokes at inconvenient times could not always be appreciated by all persons and on all occasions. On several occasions, he did indulge in this characteristic light way of his, and had rarely realised that by so doing he was unnecessarily wounding the susceptibilities of persons who were utterly devoid of any sense of humour. It is now a matter of common knowledge that it was this habit of his, which was put down as a definite defect of his, by some of those who knew him, and that it was responsible for the alienation from him of several important persons in life. From his school days right up to the end of his life, Vithalbhai's had been a detached outlook on life and he never bothered about what effects his actions or activities might have on his associates, colleagues or friends. This is one of the reasons why several persons who appeared to be very near to him while he was in power refused to care for him at a later stage in his life.

Vithalbhai was free from family ties, now, for over 13 years; he was accustomed to live the life of an isolated individual with all the inherent shortcomings and disadvantages that fall to the lot of such an individual. This life was the result of his own choice, and he had never grumbled. Although he had no family to live with him in his house, which was certainly too big for one individual, it was never free from congestion. His numerous friends, Congress colleagues, and old associates became his guests from time to time. His doors and table were always open to them. Vallabhbhai, the late Mahadeo Desai and several former co-workers in Bombay and Gujarat, were very warmly invited by him and it appeared as if the President's house was no better than a resting place for pilgrims. Among his frequent guests, Sarojini Naidu figured prominently.

Sarojini Naidu, a gifted poet and a rare visionary, possessing magical powers of unexcelled eloquence, was a significant figure of the Indian Renaissance and a symbol of the glory of Indian culture. Her main role in life was that of an interpreter between various communities of each other's aspirations and difficulties with a view to the realisation of mutual love and good-will. Her thrilling powers of expression, and her entrancing and melodious voice, made her presence an asset in every gathering she could attend. She was as brilliant a conversationalist in the drawing room as she was an effective orator on the public platform. She was intensely interested in the spread of the spirit of nationalism and of cordial fellowship among the different communities. She was above all party affiliations, and therefore held in high esteem and affectionate regard by all.

Mrs. Naidu was very helpful to Vithalbhai in his dealings with the high personages of the State and of the Congress. Although the personal staff of Vithalbhai took every possible care and caution to make the social parties to which guests were invited either to tea or to lunch, or to dinner, as perfect as possible, the last word of perfection always came from Mrs. Naidu. Her aesthetics and ideas of beauty would not tolerate any such function going without flowers, an infinite variety of heavy and light dishes and above all vases of flowers for decoration. The guests that came to these parties, felt absolutely at

ease and Mrs. Naidu was one of the few invariables who entertained them by her matchless powers of conversation. There was no subject on earth on which she could not speak with perfect ease. Vithalbhai never bothered about the cost—in fact, he was never used to counting costs in life—and treated these parties more as an instrument than an end, maintaining the social contacts which the duties of his office required him to undertake. Lala Banwari Lal was one of his few intimate friends in Delhi. He was a big merchant and was one of those who tried to be helpful to Vithalbhai in the purchase of his personal requirements for domestic purposes. He was the man who looked after the requirements of the kitchen and the drawing room—in fact, practically after everything that it was necessary for Vithalbhai to purchase.

Even before he held this office, Vithalbhai was known for his capacity to put in hard work for the study of the problems he had to deal with. He was known for his tenacity to go into every detail of the problems he handled with his characteristic thoroughness and precision. The pressure of such work increased tenfold after his acceptance of the office of the President. He was, however, now not quite equal to the task he had imposed on himself. His health had already begun to be adversely affected, by the kind of hard life that he had lived prior to his becoming the President. Now the various Bills and questions of public importance that came up before the Assembly demanded a much closer, a more systematic and a thorough study of the agenda, and a discussion of the same with the members of the executive who generally called on him and kept him busy till about 9-30 in the morning. He was, however, quite ready to leave for the Assembly by 10-20 a.m. In the Assembly, he used to sit in the chair for hours on end, and gave a pleasant surprise even to his friends, associates and admirers, for his dogged and determined perseverance and tenacity. His friends knew his habit of smoking at frequent intervals. In fact, he was known as one of the hardest smokers among his friends, and yet curiously enough, this same Vithalbhai who used to smoke practically at an interval of every 10 minutes, continued sitting in his Presidential chair, attending to long debates, so many of

which were dull and dry, and only some of which were interesting and exciting, without caring for a puff till the House rose for lunch after a three hours' continuous sitting. This capacity to restrain, if not to repress, his physical tastes and needs was as much a marvel to those who came into contact with him as his powers of memory. In the evenings, after the Assembly meeting was over, he used to take long walks, and it was during these walks that the man in him shone forth in all his splendour. Nobody who met him could feel for a moment that he was returning from a place like the Assembly where he was likely to have been irritated. While freely playing with youngsters on their own ground and in their own way and spirit, he would with equal readiness receive persons of standing, who met him by chance, on the way, if the occasion demanded that he should see them. That was the time he had reserved for being absolutely carefree and yet, when necessary, he would not miss any opportunity to discuss seriously the points uppermost in his mind with such persons as he met during these long walks to his place. Those in the know, know full well that the foundations of his many achievements were laid during these innocent-looking stray strolls on the newly built beautiful and wide roads of New Delhi. The time after his evening meal he devoted to the study of constitutional problems, to the discussing and settling of important matters on the 'phone with the members of the Executive Council, including the Viceroy, and several other members of the Assembly.

The method and manner of his work was peculiar and striking. There were many occasions when he could have entrusted some specific piece of work to his efficient assistants and yet he would prefer to do it himself. He knew he was treading on very dangerous ground, and was in the midst of a suspicious atmosphere and was actually being spied upon by the agents of Government and by some party organisations. There were occasions when a premature disclosure of the working of his mind would have proved disastrous and detrimental to the interest of the public. Mallitte, his secretary, was supposed to attend to the typing of all his drafts, but he knew also that Mallitte was, after all, a Government servant, and a European. He would, there-

fore, not let him know the exact working of his mind in certain matters without letting him feel that he could trust nobody on certain occasions. There were a few occasions like that of the Ruling on the Gold Standard and Reserve Bank of India Bill, when Vithalbhai could not avoid seeking the help of his personal secretary, Mr. Mallitte, and then he got his work done in a very strange way. Mallitte was asked one morning to type the manuscript of the ruling on the Reserve Bank of India Bill. While Mallitte was typing the manuscript, Vithalbhai remained in the room, which was without a phone. With a view to misleading Mallitte, Vithalbhai gave him some other documents to type, which would keep him busy for another hour. While Mallitte was engaged in typing the other manuscripts, Vithalbhai quietly left the room, and locked it from outside, Mallitte himself being entirely unaware of what was done. Vithalbhai left for the Assembly, instructing a confidential person left behind, to open the door just after an hour. The idea behind this step was to avoid the possibility of leakage under any circumstances. Members of the executive, and even Lord Irwin, had tried their utmost to fathom the working of Vithalbhai's mind in respect of this Bill, but they had wasted all their dinners and lunches and social entertainments, staged from time to time, with a view to getting some inkling of it. The last effort in this direction was made by Lady Blackett who invited Vithalbhai only the previous night to dinner. The Gold Standard Bill was frequently referred to in the conversation, and when Blackett failed in his attempts to draw out Vithalbhai, Lady Blackett pointedly asked him what would be the nature of his Ruling, if what was being heard on all sides came true. Vithalbhai quietly and coolly replied that he was unaccustomed to answer hypothetical questions based on hypothetical considerations, and unless a specific point of order was raised and unless he could give his proper thought to it, it would be impossible for him to give an answer, and that he could not act as a prophet. Vithalbhai had, however, sensed the possibility of a danger inasmuch as his secretary while typing the ruling, was bound to know the contents and might be tempted to convey it to the Government House. It was against this possibility of danger that he had gone to the extreme limit of locking

Mallitte in the room, till the ruling was released for public knowledge.

Vithalbhai's outlook on life was considerably influenced and modelled by his domestic circumstances. He had no family ties and lived a single life since the time he took to public work, practically from 1910. His whole attention since then was devoted to the study of public questions and the various political problems which affected the well-being of the country. His interest in the lighter side of life was practically dead in the midst of his all-absorbing attention to public life. He had not developed any taste for pictures, plays, or, for the matter of that, for sports and games, and even for the witnessing of them, which served as a mental recreation to a good many. On one occasion, the Pentangular Cricket in Bombay had reached an unusually interesting stage and had excited the interest of several persons who hardly ever thought of cricket. Every one of his friends and associates and co-workers who usually happened to be with him at one time or another, during the course of the day, had gone to see the match, and he was left all alone. Jamnadas Mehta tried in vain to persuade him to go to witness the game in the company of friends, but Vithalbhai remained adamant and said that all of them were suffering from a temporary fit of insanity. Except for a walk in the evening, he never spent any of his time in any such activity during any part of his life. He was essentially a man of action, and toil was his native element. One can say without any exaggeration that he used to live at least 14 hours of active life daily, and it was not mere mechanical industry that engaged his attention. Even when he appeared outwardly inactive, his restless brain was engaged in tackling serious problems of an embarrassing nature. Sometimes like his brother Vallabh-bhai, he could be seen in the lobby taking strolls continuously for an hour without exchanging a word with anyone, deeply absorbed in thinking out solutions of the problems that confronted him. There was nothing that he did or said behind which there was not some serious and absorbing thought. He was fully satisfied with the recreation and pleasure he derived from the application of his covetable gifts of wit and humour which he invariably practised on persons who came into contact with him.

Concentration and courage were the key-notes of his character. Whatever activity he undertook he gave his full time and attention to its successful working. He had the rare courage of standing fast to his own convictions against all odds and against the powerful array of all opponents. Of course, he had political sagacity and prudence in abundance, and his courage hardly ever verged on sheer recklessness.

Self-control, a disciplined will and a disciplined mind were some of the other prominent characteristics of this plough-boy President. He was neither impetuous nor impatient and he did recognise that the spirit of compromise was the essence of all political life. The burning passions of his life were zeal, toil and knowledge. These characteristics led him to develop into a first rate legislator, an able administrator, and a wise leader of men.

Vithalbhair's career as the President of the Legislative Assembly was full of incidents which showed up his courage, his statesmanship, his knowledge and his patriotism wherein he excelled to the admiration of the whole of India. Vithalbhair was not merely a President who adorned the chair but who used that great office for the furtherance of the cause of Indian freedom and for showing conclusively that Indians could fulfill the highest places if only opportunities were given to them. There were at least half a dozen occasions on which Vithalbhair showed his great knowledge of constitutional law in the discharge of his duties as President. Above all, Vithalbhair was keen on preserving the dignity of the Chair both in the House and outside the House. He kept the various warring elements in the Legislative Assembly under complete check. Nobody could take liberty with him or, in the slightest degree, become indisciplined without bringing down on him his wrath almost immediately. Although the Chair is supposed not to speak except to regulate the debate, Vithalbhair picked up several occasions to make long speeches which were fully relevant. He once privately told Jamnadas Mehta: *"I am not a Speaker who does not speak."*

In those days it was customary for the Viceroy to open the annual session of the Legislative Assembly with great pomp and show. Members of the Assembly as well as the Council of State were



Indian Legislative Assembly Building, New Delhi



invited to the Assembly Hall and the Viceroy made a speech opening the year's Session and wished good luck to the legislators. On that day the Viceroy used to come in his robes, and the members of the Executive Council presented themselves in official dress of gold, with swords hanging by their waists. The Presidents of the Assembly and the Council of State had to sit down in the middle of the House and to rise in their seats when the Viceroy entered. The train of his robes was held by Princes and ruling chiefs, Muslim, Sikh and Hindu; and it was considered a great honour and privilege to be able to do so. The Viceroy's speech included adominition, and also praise of God. There was a great display of military form outside the House, and the galleries of the House were filled to capacity. That was a reminder of the pomp and power of the British rule. So long as Vithalbhai was only a member, he could not help this humiliation of the Indian people once every year, but when he became the President of the Assembly, in theory, he was in possession of the Assembly building where his authority prevailed and not that of the Governor-General. When therefore Vithalbhai became the President, he decided to change the whole of this ceremonial as soon as possible. He informed the Viceroy that the annual practice under which he addressed the House in the Assembly Chamber was highly derogatory to the dignity of the Chair. He was required, when the Viceroy came to the Assembly to speak, to vacate his chair and sit among the members. Such an arrangement, he said, was extremely undesirable and that next year he would not allow the Viceroy to come to the Assembly Chamber in the manner he used to come. The Viceroy could no doubt come to the Assembly if he liked and speak to the Houses, but he (Vithalbhai) would not vacate the chair. Whenever the Viceroy wanted to speak he must go to Vithalbhai's room and then he would conduct the Viceroy to the *dais*, and himself sit in the chair and call upon him to speak. This intimation created terrible consternation in the Government House. It was a revolutionary proposal. It deprived the Viceroy's annual speech, of the pomp and glory and the dignity which was associated with it, and of course it took away the suggestion that, in the Assembly Chamber too, the Viceroy was

the supreme authority. The Secretary of the Legislative Department went to Vithalbhai and begged him on his knees not to follow up his suggestion at any rate that particular year. "Let the Viceroy speak as usual this time", he said, and assured him that before the end of the year the Viceroy himself would make a change in the ceremonial and thereby save Vithalbhai the humiliation he felt. It happened that this officer was at one time the Collector of the Kaira District. Vithalbhai was an obscure person at that time, and Government thought that Vithalbhai would be impressed by the presence of an ex-Collector of his District. But they had counted without their host. Vithalbhai told that ex-District Collector that all argument was useless. It was a question of principle, and it had to be enforced without delay. When there was no possible chance of Vithalbhai's relenting, the poor Viceroy came from the back door of Vithalbhai's Chamber and all pomp and ceremony disappeared in an instant, and Vithalbhai's beard beamed with smiles indicating that he had scored a point. ... Thereafter this ceremonial of boosting British rule disappeared for ever from the Legislative Chambers. But, like Mr. Clayton of the Bombay Municipal Corporation, Lord Irwin, the Viceroy, liked Vithalbhai all the more because he had become a nuisance. Every week after the Sunday morning prayers were over, Vithalbhai was invited as a matter of routine to go to the Viceroy and be with him for an hour or so before lunch. Vithalbhai was told by the Viceroy not to think that Lord Irwin did not understand what Vithalbhai was doing. "Mr. Patel, I know what you are doing", said Lord Irwin on one occasion. "I understand why you are doing it and I do not blame you for doing it, but I could have made your position equally embarrassing if I wanted to retort, but you are the Speaker of my Legislature and your work as the Speaker is so exceptionally good, you are so capable and useful to the country that I will forget all your antics." So there was a complete understanding between Lord Irwin and Vithalbhai as there was between him and Mr. Clayton, the Municipal Commissioner of Bombay.

Vithalbhai knew every member of the House most intimately. He knew their merits, their character and their capacity. Even

the Muslim League Benches were extremely deferential to him. The nominated members too vied with one another in honouring him and the few who were disgruntled were mortally afraid of offending him. Official members were kept by him on tenter-hooks. He would not tolerate the slightest remissness on their part. When a member wanted to speak to Vithalbhai, he had to go to him deferentially and to bend himself and whisper, so that the proceedings may not be disturbed. When an official European member, which means a member of the Executive Council, went to him, Vithalbhai would sit in his chair, glum, straight and would not bend his head towards the approaching member, with the result that the poor gentleman had to bend all the way down almost on his knees before he could reach the chair and speak to him. This was his practice because he hated British rule like poison. "Sweet reasonableness", he said, "towards the British was no part of my duty, as I understand it."

Once he said to Jamnadas Mehta: "You have no responsibility to the British as they have none to you. When your time comes and you get into power you would feel responsibility, but now while they are in power they are entitled to no courtesy, no reasonableness, no accommodation from us whatever, if we can help it;" and he added: "I know that what I am doing is not what usually should be done in Parliament. But this is not our Parliament and do not forget that your reasonableness will be misunderstood as subservience even when it is honest."

This was the real Vithalbhai, as his friends and associates in the Assembly knew him, during the period in which he was the Hon'ble the President.

Chapter Twenty-Seven

THE SWARAJIST WALK-OUT

ON the 25th of August, 1925, the regular business of the Assembly began with Vithalbhai in the Chair. Immediately after the question hour, Vithalbhai had to announce that he had received a motion from Jinnah 'asking for the adjournment of the business of the Assembly to discuss a definite matter of urgent public importance, namely, the composition of the Currency Commission as announced in the speech of His Excellency the Viceroy (on the 20th of August.)' Muddiman would have liked Vithalbhai to rule that motion out of order, and Sir Sivaswamy Aiyer actually took objection to the necessary leave being granted to Jinnah. Vithalbhai thereupon asked the members who were in favour of the motion to rise in their seats. As more than 25 members (actually the number was 43) rose, Vithalbhai granted leave to Jinnah to move his adjournment at 4 p.m. on that day. During the debate on this adjournment motion, Ranga Iyer referred to Vithalbhai as 'a fiercely active member of our Party', and asked the House to 'take up the attitude Mr. Vithalbhai Patel took up.' The adjournment motion was adopted with 64 Ayes as against 45 Noes.

On the 27th, Vithalbhai came into conflict with Muddiman when he moved 'for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.' Muddiman wished to speak on it, and Vithalbhai said that it was not necessary for him to do so unless the motion was opposed. Muddiman pointed out the practice which had been followed in the House, and contended that he was entitled to speak. Vithalbhai refused to accept the view 'that the mover has got the right to speak', but as other members of the House also wished that the practice should be followed, Vithalbhai consented to allow that practice, as practice, to be followed.

Among the Rulings that Vithalbhai gave during his first

THE SWARAJIST WALK-OUT

Session, i.e., the third of the Second Assembly, were the following:

- (1) That a member having an amendment to a motion standing in his name must move his amendment first and then speak on it.
- (2) That a motion for the insertion of a new clause after a particular clause of a Bill may be discussed along with that particular clause.
- (3) That any amendment which operates as a restriction on the grant of any benefit proposed by a Resolution is a restriction on the Resolution, and is therefore within the scope of the Resolution, and is thus in order.
- (4) That certain amendments on the Bamboo Paper Industry (Protection) Bill seeking to commit the Government to an extended policy of protection in regard to all kinds of paper were out of order.
- (5) That if any Hon'ble Member is not present when his name is called during question time, he will not be entitled to put his question on his return to the Chamber.

Among the more important Rulings of the 4th Session of the Second Assembly (20th of January to 25th of March, 1926) were the following:

- (1) That an Hon'ble member is not entitled to say anything which might reflect on the conduct of a Governor or the Viceroy.
- (2) That a debate *on matters of policy* in regard to Demands for supplementary grants could not be allowed.
- (3) That no comments reflecting on the conduct of Judges were permissible, but criticisms of judgments were permissible in so far as they were possible without a reflection on the conduct of Judges.
- (4) That no personal charge can be made by one member against another in the Assembly Chamber, but references to the conduct of members as public men were permissible.
- (5) That the fact that the Government is not ready to give a proper reply to the question raised by a motion for

adjournment is no ground on which the Chair can disallow that motion.

In the 5th Session (17th of August to 2nd of September, 1926), Vithalbhai had to repeat his Ruling in regard to supplementary grants. The only other important Ruling of that Session was:

- (1). That an Hon'ble member cannot repeat by way of a supplementary question, parts of the question that have been disallowed.

As distinguished from Rulings proper, there were certain remarks which Vithalbhai made from the Chair during these Sessions which had, more or less, the same value as his Rulings. Among them were the following:

- (1) That it was improper for Hon'ble members to give notice on an important question and then absent themselves at the last moment.
- (2) That Hon'ble members were not justified in referring in their speeches to private conversation outside the Assembly Chamber, though they could refer to them in a general way.
- (3) That the power of adjourning the House was vested entirely in the Chair, and that no member could submit any motion for adjournment for the decision of the House.

An episode of some importance, which was a precursor of an event of much greater magnitude during Vithalbhai's second period of his Presidentship, has to be noticed here in some detail. On the 10th of February, 1926, Muddiman moved his Bill 'further to amend the Code of Criminal Procedure, 1898.' The Bill involved the consideration of two Sections — Section 109 and Section 123— of the Criminal Procedure Code. Muddiman had brought in a Bill in the previous September which included the Clause which he now sought to introduce. The Assembly had then passed the remainder of Muddiman's Bill, but had rejected the Clause in question, by a vote of 52 to 51, i.e., by a majority of one. The Popular Party in the House was naturally against this Bill, not only because the Government had circumvented the provision 'that when a Bill or Resolution is rejected, you cannot bring it up for a year', by bringing in what was only

technically a fresh Bill, but also because these Clauses — particularly Section 109 — were used in an indiscriminate way against the Nagpur Flag Satyagrahis, though they were not meant to apply to political accused. In fact, Muddiman, in the course of the debate did say: "I have no hesitation in denying in this House any suggestion that Section 109 would be used for political ends, and I personally should regret very much if it was so used." He went further and announced on the floor of the House that he was 'quite prepared to write to Local Governments and express those views.' Largely because of this assurance, in spite of the opposition of the Popular Party, the motion, that the Bill be taken into consideration, was adopted with 52 Ayes and 45 Noes. During the division, Muddiman told Vithalbhai that he was not anxious to proceed with the further business on the agenda that day. He did not mean that he did not want to proceed with this Bill. He had in his mind the other Government business that was on the agenda. But Vithalbhai took it that Muddiman wanted an adjournment immediately, and so he adjourned the House as soon as the business of the Division was over. This step on the part of Vithalbhai was misrepresented by the Special Delhi representative of the *Statesman* in the following words: "When Sir Alexander Muddiman was about to drain the satisfying cup of well-earned victory this afternoon, it was abruptly dashed from his lips by the President." This was his telegram of the 10th. On the 11th, alluding to the same incident, this representative of the *Statesman* sent another telegram, in which he said that the principal subject of political discussion on that day was the fate in store on Monday (the 15th) for the Home Member's Bill and the action of the President in adjourning the House the previous afternoon. He had, however, added in the telegram the following encomium on Vithalbhai:

"Mr. Patel's occupation of the Chair has been an entirely unqualified success. He possesses the essential qualities of personal authority, fair-mindedness and calm. The Left Wing like him also, as an old comrade and for the political opinions which he is known to continue to hold with undiminished loyalty. The Right and the official members like him for himself and for his

fairness. Nobody therefore questions his ruling, but the Right are inclined to regard it as an accident, while the Left contend that it was strictly correct, as, although the single operative Clause of the Bill had been passed, leaving only the first or name Clause and the Preamble, members were entitled to a further opportunity to bring forward amendments." The Representative had further said: "As no one had put down any amendment, although the Bill has seen the light a long time, this interpretation is no more convincing than the news agency's suggestion that the House sat late. Actually, it rose unusually early."

This misrepresentation of Vithalbhai Muddiman could not tolerate, and therefore the first thing that he did on the 15th of February, when the Bill came up for the clause-by-clause consideration, was to make the following statement:

"Sir, before we proceed with the further consideration of this Bill, I desire, with your permission, to make a few observations regarding a misunderstanding with regard to the progress of the Bill on the last date. During the division, Sir, I told you that I was not anxious to proceed with the further business on the agenda. This, doubtless, misled you into the view that I did not wish to make a further motion on the Bill then under consideration. I will not conceal from the House that I should have been glad to have made the other motions that stood in my name with regard to the Bill as I regarded them as entirely formal (and I have no doubt that the House today will take the same view) after the discussion we had on that day. But I want to make it perfectly clear that if there was any misunderstanding, I was to blame for it, and I make no complaint at all on account of the procedure adopted by the Chair which was due to a misunderstanding. I may tell the House that I have read certain observations which might be construed as a reflection against the Chair. I dissociate myself entirely from that view. May I assure you that we are fully satisfied that the rulings of the Chair are based on the principles that have always been and I trust will always be the basis of the rulings of the Chair."

Vithalbhai's response to the gracious step on Muddiman's part was expressed in the following words: "The Chair welcomes the statement just made by the Hon'ble the Home Member on

behalf of the Government. It gives the Chair an opportunity to express its view on this newspaper report which has evoked the statement from the Home Member. The attention of the Chair has been drawn to the writing under the heading. 'From our special correspondent (representative)' appearing in a certain newspaper. There is no doubt that the statement contains an insinuation of partiality directed against the Chair and the publication of such an insinuation constitutes, in the opinion of the Chair, a grave breach of the privileges of this House, deserving of the severest condemnation. The Chair, however, is not prepared to take a serious view of the matter at present and hopes that the statement made by the Home Member will have the desired effect on the newspaper concerned and that it will express its unqualified regret for the publication of the report in question forthwith. If the matter is again mentioned by any member of this House at a later date complaining that the newspaper in question is unrepentant the Chair will pass such orders against it as are permissible. The Press must know that no suggestion of partiality, however remote, directed against the Chair will be tolerated. At the same time the Press is fully entitled to criticise the conduct of the Chair as much as it pleases, without casting or suggesting any reflection on its partiality. The Speaker must guard and maintain his reputation for impartiality of all things at any cost, and he cannot do so if he allows such suggestions or insinuations to pass unnoticed.

"The Chair takes this opportunity of explaining to the House the practice it has hitherto followed and proposes to follow hereafter in adjourning the House. On non-official days, the Chair endeavours, as far as possible, to accommodate the non-official members and consult their convenience before adjourning. On official days, the Chair endeavours to treat the official Benches on the same principle. In the absence of any instructions from either side of the House on any particular day, the Chair uses its own discretion and adjourns the House at such hour as it considers proper having regard to the state of business for that day. Generally speaking, the Chair is always anxious to consult the convenience of the House and shows its readiness to sit even very late hours irrespective of its personal convenience.

V I T H A L B H A I P A T E L

"Last Wednesday was an official day and in accordance with its usual practice the Chair adjourned the House in consultation with the Leader of the House."

Vithalbhai asked Graham, the Secretary, to get from the Special Representative of the *Statesman* a copy of the telegram he sent to the *Statesman* on the 15th. We take the liberty of quoting here the letter which the Representative sent to Vithalbhai and the certified copy of the telegram he sent to the *Statesman*:

The Statesman Ltd.,
Maiden's Hotel,
Delhi
February 16, 1926.

My Dear Mr. Patel,

Mr. Graham told me yesterday afternoon that you would like to see what I was sending to the paper with reference to the incident. I had already sent my telegram. Had no copy, but I have now obtained one from the Telegraph Office, and have much pleasure in sending it (to) you. I feel sure that you will agree that it removes all further possibility of a misapprehension for which I am sincerely sorry. I am quite certain it could not be entertained by our regular readers.

Yours sincerely,
(Sd) Arthur Moore.

and here is a copy of the telegram:

POST AND TELEGRAPH

Delhi, 15th February 26.

(Certified copy)

XQ Timed 15/45 hrs. dated 15th February 1926 to *Statesman*, Calcutta.

"From Moore, Delhi

House today by passing Muddiman's Bill to restore Magistrates discretion to award simple or rigorous imprisonment under Section 109 by larger majority than on Wednesday gave a proof of generous and sportsmanlike character which should be long remembered in its favour *Stop*. Some members who voted

against on Wednesday refrained from voting today because they realised that adjournment House on Wednesday was due a misunderstanding *Stop*. This was cleared up today when Home Member took full responsibility on himself *Stop*. He had previously intimated to President Government would not wish to proceed with further business *Stop* Home Member had not anticipated his victory and of course had not meant to exclude the formal passing of the Bill after its operative clause had passed but this entirely accounted for the misunderstanding *Stop* Swarajist leader who unavoidably absent on Wednesday today opposed passage of Bill and so did Jinnah and Malaviya for Independents but generous instinct of House was not to be denied and Bill was triumphantly passed *Stop* On the merits the opposition was also overcome by Home Members promise to circularise the Provincial Governments to effect that Section 109 should not be used in political cases *Para* Press Gallery was completely puzzled by Presidents reference to one of its occupants having reflected upon his impartiality *Stop* None had a guilty conscience as President has what the French call a good press and though general correspondents had discussed in their telegrams the unexpected situation created by Wednesday adjournment none had thought of calling in question the conduct of the Chair *Stop* Judge of my astonishment therefore when I was informed by a member at the luncheon interval that he had heard from the President that the reference was to the *Statesman* *Stop* I at once went to Patel and found to my surprise that although the President referred to my account of the adjournment of the Debate on Wednesday he had not seen my full discussion of the incident in my message to you last Thursday *Stop* This as your readers will remember was unqualified and well-deserved panegyric of Patel's conduct of his great office and clearly stated no one questioned his ruling but that whereas one party in the House attributed the adjournment to an accident a theory which today proved to be the right one the other party claimed that they were entitled to an adjournment for further consideration of the Bill *Stop* What the President objected to I learn from himself was the statement that when Muddiman was about to drain the cup of victory *quote* it was abruptly dashed from his lips by the President *unquote*

This with all respect I pointed out to the President today is exactly what happened but it certainly did not occur to me and therefore I could not have anticipated that it would be inferred by any reader that however hardly it bore on the Government in a moment of supposed victory there was any design of that kind attached to it *Stop* I have now furnished the President with my full discussion of the whole incident as published in your Dak Edition of the Thirteenth which will make it abundantly clear that no such disrespect for the Chair could possibly have been intended."

Here at least this chapter of the so-called misunderstanding should have closed. But it would have been a miracle if an Anglo-Indian paper of those times could have gulped down the admonition of the Hon'ble the President of the Indian Legislative Assembly. Instead of showing any real penitence for its outrageous comments, the paper, in its leader (Privilege!) of the 19th of February, not only found fault with its Representative for giving the explanation he gave, but taxed Muddiman himself with having done an ill service to the Assembly by stimulating an undue sensitiveness to any criticism which affected the Indian politician at that stage of his development. The leader was written in a very bad taste, and it showed unmistakably the overbearing and warped mentality of the Anglo-Indians of those days. Of course Vithalbhai was not concerned with their attack on Muddiman, but one can be sure that comments like those completely alienated Indians from these stupid Anglo-Indians. After explaining that the offending sentence was 'a figurative description of the fact that Mr. Patel accepted a motion' (he never accepted any motion) for the adjournment, and anything more innocuous it would be difficult to compose (that shows the limits of the ability of that paper), it narrated the whole history of the incident as it happened, up to the explanation tendered by its representative, and then went on to say:

"The explanation, it seems to us, was scarcely necessary. An extravagant distortion of mind is required to read into the original sentence the meaning which Sir Alexander Muddiman chose to place upon it and which Mr. Patel adopted.

"There the subject might well be left had not Mr. Patel

chosen to talk of 'a breach of privilege' and to threaten penalties for like comments in the future. With all respect we ask Mr. Patel what he means by 'a breach of privilege.' How arises the privilege that is broken? The Assembly and its President are certainly moving fast if they claim that privilege which the House of Commons has established by centuries of custom and which the British courts have held 'belonged to Parliament by ancient usage only.' In the case of *Kelley vs. Carson*, decided by the Privy Council in 1843, it was held that 'in each colony it is necessary to inquire how far the colonial legislature has acquired, by order in Council or Charter or from the Imperial legislature, power to punish breach of privilege by imprisonment or committal for contempt.' Such powers have certainly not been conferred on the Indian Legislature by the Government of India Act and we know not where else to look for them. The privileges of the Commons are outside and beyond the ordinary law and the Indian Assembly has none of them. Nor is it for the Speaker to decide when a breach of privilege has been committed. That is a matter for a vote of the Commons of which the Speaker is no more than the servant and the mouthpiece.

"Sir Alexander Muddiman will do an ill service to the Assembly if he stimulates there the undue sensitiveness to any criticism which affects the Indian politician at this stage of his development. His intervention on this occasion was peculiarly gratuitous, for even if he had misunderstood the first figurative sentence of our correspondent, the second message was available to him two days before he spoke in the Assembly. He will do worse service if he leads the Assembly to believe that it can intimidate the Press. There is no more unhappy chapter in the records of the British House of Commons than that which covers its efforts at various times to assert its privileges against the newspapers. The latter have always won in the end, simply because they embody in themselves the rights of the public that returns members to Parliament. One of those rights is the right to know what the representative body is doing and another is the right to criticise its proceedings. So far as the *Statesman* is concerned it will not be deterred from the exercise of either of these functions by talk of privilege or threats of penalties. The dig-

nity of the Assembly is in its own keeping; in no manner can it so surely bring that dignity into contempt as by foolishly asserting it on small occasions."

No wonder if such gratuitous insults to Indians created an unbridgeable gulf between Indians and Anglo-Indians, and resulted in downright enmity between them.

It may be remembered that there was nothing innocuous in the message of the paper's representative, though he had personally put himself in the right by his explanation. On the 10th, the day of the adjournment, Motilal Nehru was absent, and the representative must have thought that Vithalbhai adjourned the House, not only to allow members to move amendments but to secure the presence of the leader of the Swaraj Party in the House and to manipulate the final voting on the Bill.

While Vithalbhai, by his acceptance of the Presidentship of the Assembly and by his strict observance of the rules of the game, had transformed himself completely into a non-party man, the original Swarajist policy of undiluted opposition — if not total obstruction — was being more and more watered down. Motilalji had already accepted a seat on the Skeen Committee, appointed by the Government to report on the Indianisation of the Army. S. B. Tambe, one of the most prominent members of the Swaraj Party in Nagpur had accepted an Executive Councillorship under the C.P. Government, and Kelkar and Jayakar had launched the so-called Responsivist Party. On the 9th of November, Motilalji said in reply to the statement which Kelkar and Jayakar had issued more or less as a Responsivist manifesto:

"The Swaraj Party stood for its own programme which included co-operation, non-co-operation, construction, destruction as occasion and national interests demanded." Jayakar represented the hectoring tone of Motilalji.

On the other hand, while in its earlier stages the Swaraj Party had its programme and policy only tolerated by the Congress, the Congress now made over the whole of its political work to it, and recognised it as its own political wing. At the A.-I.C.C. meeting at Patna on the 21st of September, it was resolved:

"That the Congress do now take up and carry on all such political work as may be necessary in the interests of the coun-

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try ... provided that the work in connection with the Indian and Provincial Legislatures shall be carried on in accordance with the policy and programme laid down by the Swaraj Party under the constitution framed by that Party and the rules made thereunder, subject to such modifications made by the Congress as may be found necessary from time to time for the purpose of carrying out the said policy."

The Council wing had now taken away the prestige of the No-changers, as also their spinning franchise. The No-changers had their revenge at Kanpur. There they got the Congress to adopt the following in their main Resolution:

"The Congress adopts on behalf of the country the terms of the settlement offered to the Government by the Independent and Swaraj Parties of the Assembly by the resolution passed on the 18th of February, 1924, and having regard to the fact that the Government have so far not made any response to the said offer, resolves that the following action shall be taken:

'The Swaraj Party in the Assembly shall, at the earliest opportunity, invite the Government to give their final decision on the said terms, and in case no decision is announced before the end of February, or the decision announced is held not to be satisfactory by a Special Committee consisting of the Working Committee of the Congress and such other members as may be appointed by the All-India Congress Committee, the party *shall*, by adopting the proper procedure, intimate to the Government on the floor of the House that the Party will *no longer continue to remain and work in the present Legislatures as heretofore*. The Swarajist members of the Legislative Assembly and the Council of State shall vote for the rejection of the Finance Bill, and immediately after, *leave their seats*.'

The net result of all this was the Swarajist walk-out on the 8th of March, 1926.

On that day, the Assembly Chamber presented an unaccustomed and a very animated appearance. Members of the All-India Congress Committee fully clad in khaddar and wearing Gandhi caps had packed to overflowing the galleries of the Assembly. The ladies' gallery was particularly full and the distinguished visitors' boxes were almost over-crowded by promi-

ment representatives of Government and the politically-minded public. Among those present were Sir Henry Wheeler, the Governor of Bihar and Orissa, Babu Rajendra Prasad, Sardar Vallabhbhai Patel, Mrs. Sarojini Naidu, Mr. Srinivasa Iyengar, Dr. Moonje, Mr. Satyamurthi, Mr. R. D. Tata and a host of other prominent men and women. Considerable excitement prevailed in the lobbies, the galleries and the Chamber of the Assembly itself in view of the decision of the Swarajists to walk out in obedience to the mandate sent to all the Congress members of the House by the Indian National Congress only two days before this meeting. The message of the Indian National Congress to all the Swarajist members of different legislatures was embodied in the resolution which was passed by the All-India Congress Committee on the 6th of March 1926 as under:

"This meeting, having taken into consideration the pronouncements made in the Council of State and the Legislative Assembly by the Governor-General and the Home Member and referred to in the Report of the Special Committee is of the opinion that the insistence of the Secretary of State and the Government of India on full co-operation by the representatives of the people under existing conditions clearly demonstrates the intention of the Government to coerce the nation into abject submission without making any advance on the present vicious system of Government. The Committee therefore has no option but to adopt the recommendations of the Special Committee and to call upon the Swarajist members of various Legislatures to follow the course laid down in the Resolution of the Indian National Congress passed at Kanpur.

"This Committee hereby calls upon the Swarajist Party in the Assembly to leave their seats after raising the constitutional issue once again on the first motion on the 8th of March. This Committee hereby calls upon the Swarajist members of all the Legislatures to conform to the other directions contained in the said Resolution of the Congress and to engage themselves in carrying out the programme hereinafter laid down."

The mandate called upon the Swaraj Party to raise the constitutional issue on the *first* motion of the 8th of March. Which should be the *first* motion became a question of some

importance, because Jinnah was keen on getting Demand No. 28, that in respect of 'Executive Council' being taken up *first*, instead of Demand No. 16, that in respect of 'customs'. The issue was not quite so simple as it looks on the surface. In a sense it went directly to the root of the real difference between the Swarajists on one side and Jinnah and the rest of the Popular Party on the other. The whole of the Popular Party had so far managed to work in a spirit of compromise and contented themselves by defeating the Government on the constitutional issue by the passing of a motion to omit some selected Grant or Grants, and allowing the debates on the remaining Grants to be conducted on their own merits. If, however, the Swarajists could have their way, they would have thrown out all the Grants, and would not have cared to get the small modifications that they could secure in the original proposals by a coalition with the other parties which were as anxious to get these modifications as to defeat the Government on the constitutional issue. Now, because the Swarajists were going to walk out, as Jinnah imagined, immediately after the first motion was disposed of, Jinnah was anxious that the motion in respect of the Executive Council, on which there was a general agreement, should have the whole force of the opposition borne upon it, the other Grants being allowed to be considered on their own merits, so that the policy he had been advocating, the policy for which he had fought strenuously during the debate on the previous year's Budget, should stand vindicated. In order to understand this complicated situation, we have to go, in some detail, into the progress of the debate on the General Budget from the time it was presented, to the time when the Swarajists walked out.

On the 1st of March, the Budget was presented by Sir Basil Blackett, when he made an elaborate speech in which he showed his complacency by such remarks as these:

'I ask those who profess unending dissatisfaction with the Reforms and denounce them as a sham and the Government as insincere and unresponsive, does the financial story of these three short years justify depression or despondency?'

'The Government of India and this Assembly have not always seen eye to eye on financial questions, but the record shows

that we have worked together, not without reward, to establish a foundation of financial stability far more firmly based than when we began.'

The general discussion of the Budget came off on the 4th of March. The mandate for the walk-out had not actually been issued at the time, but the Swarajists appeared to have entered into 'a conspiracy of silence' on that occasion. The very first speaker on that day was Harchandrai Vishindas. In the course of his speech, while he was still on his legs, he received some message, and then he broke off abruptly and resumed his seat. While Crawford was speaking, Pandit Shamlal Nehru ejaculated: "May I know what you mean by *we*?" and Crawford's reply was: "I mean the country." Here Vithalbhai made the remark: "I was told that the Hon'ble members on that side had decided not to take any part in the discussion today."

In his closing speech Sir Basil Blackett humorously remarked:

"Sir, I realised when I introduced my Budget that it was a good one, but I did not realise that it had such devastating beauty that it was going to render every one on the Swaraj and Independent Benches speechless. Sir, I remember a story of an American and his wife who left their grown up family at home and travelled round the world. They went through Japan, China and the Straights Settlements and arrived in India. Even in America the lady had been talkative, but she was still more talkative on their travels. At last they came to Agra and saw the Taj Mahal, and the American sent a telegram home to his children saying, 'Taj wins, Ma dumb.' That, I think, Sir, is what my Budget has done."

Before the general discussion ended, Sivaswamy Aiyer pointed out that both he and Rangachariar were misled by the fact that Sir Basil spoke on the first of the two days allotted to the general discussion into the belief that they still had the chance to participate in that discussion — they had not realised that this speech of Sir Basil's was the reply or the closing speech. He made it clear that he 'was not a party to any conspiracy of silence.' Vithalbhai noted the fact — and asked the Assembly too to take a note of it — that neither Rangachariar nor Sivaswamy

Aiyar was a 'party to any conspiracy of silence', but added that the Chair was helpless in the matter. As nobody rose to speak — not even Sir Sivaswamy at whom he particularly looked, he had no alternative but to call upon Sir Basil, who had already risen to give his final reply.

The second stage of the debate on the General Budget — the debate on the several demands for 'Expenditure from Revenue' came off on the 8th of March. The first Demand on the Order Paper was Demand No. 16 — Customs. As soon as the President called upon the House to 'proceed to consider the Budget Part II, Second Stage', Jinnah rose and pointed out that he had given notice of a motion that 'the considerations of Demands Nos. 16 to 27 be adjourned and that the consideration of Demand No. 28 be taken up first.' He pointed out how in the previous year, Demand No. 28 was taken up 'out of the order as it was arranged by the Government', and that how on the 4th of March he had tried to meet the Home Member, and not finding him had contacted the Finance Member and had put it to him that the Popular Party — not only the Independents but the Swarajists also — had authorised him 'to come to an arrangement with the Government that the Executive Grant should be taken up first.' The Finance Member's reply to Jinnah was that it was then too late for the Government to alter the order, but the President could do what he thought best in the matter. The Leader of the House — Muddiman might have obliged Jinnah, if Jinnah had made an appeal to him in the right spirit, but appears to have resented his having given formal notice not only to him, 'but to the President and the Hon'ble Sir Basil Blackett.' What Muddiman might have consented to allow, if properly requested in that behalf, he would not concede to Jinnah as a matter of right. The way Jinnah went about in this matter left everybody in some doubt as to 'whether he was making an appeal or whether he was making a demand', or whether, as the President remarked, he was giving a threat. If Jinnah's speech was intended as an appeal, Muddiman suggested to the House that it was not a fortunately worded one. That Muddiman was right in this contention can be seen from such remarks as the following in his speech:

"If on a notice of four days you cannot discuss a particular grant, then I say that you are not fit to conduct your business."

or "I want you to certify and I want that to be put on record. That is the only way in which we can put on record and constitutionally say that you remain there defeated. And you do not resign because you have got no self-respect."

Muddiman convincingly showed that Jinnah's notice was a formal notice given to the President, and that it contained no suggestion that he had any consultation with any part of the House or that he wished to have any consultation with him or that he did anything or was going to do anything more than place the motion on the paper, and that he would endeavour to carry it out. There was no suggestion that he (Jinnah) was in correspondence or in conference with any of the other gentlemen who sat in the House. The question whether his motion was in order was for the President to decide, but if it was put to the House, Muddiman said that he would have to divide the House against it.

Jinnah had banked on Vithalbhai's support, because when Vithalbhai was an ordinary member of the House, he had said, as Jinnah reminded him now, that he thought it was the right of the Chair to take the Demands in any order the Chair thought fit, and that the Home Member should have nothing to do with it. He had also suggested that the Home Member on the previous occasion had promptly agreed to the arrangement that Demand No. 28 should be taken up first, because of this threat from Vithalbhai. Jinnah's contention, this time, was that it was the right of the House to say that they would rearrange the order of grants as they liked.

Vithalbhai ruled as follows:

"The Honourable Member from Bombay desires that Demand No. 28 should be discussed first. He suggests in the first place that if possible it should be done by common consent. By common consent I believe he means the consent of the majority of the members of the House, Government and the Chair. So far as the Chair is concerned, it is always anxious and willing to meet the convenience of the House. No appeal from the Hon'ble member is required for that purpose. If the

Chair is convinced that the majority of the House desires a particular course it is always willing to meet them. But the difficulty is, as suggested by the Hon'ble member from Bombay, the difficulty raised by the Government. If Government agree to the course proposed by the Hon'ble member from Bombay and if the Chair is satisfied that a majority of the members of the House desire that course to be adopted, there cannot be the slightest difficulty. I find, however, that the Government are not willing to meet the Hon'ble member from Bombay on the ground stated by the Hon'ble the Home Member. Under these circumstances it is not possible for the Chair to do anything in the matter. Of course, the Chair can always advise the Government to take up a reasonable attitude in all matters. In this matter also I would advise them, if they are satisfied that members of this House desire a particular course to be adopted, to meet their wishes. If the House thinks that the Government are unreasonable, the House has always the remedy in its own hands, and that is to adjourn every item when it comes for discussion by its vote and thus bring up Demand No. 28 for discussion. That is a remedy which Government know very well the non-official members have in their hands and I do not think that Government would be so unreasonable as to compel non-official members to resort to that course if the Government are satisfied that there is a strong feeling in the House to take up Demand No. 28 first. But the difficulty is to find out whether such a feeling really exists. That is the difficulty which faces both the Chair and the Government. (*Some Hon'ble member: Divide the House. Take the vote of the House.*)

"As regards the second point raised by the Hon'ble member from Bombay, namely, if the Government do not give their consent to take up Demand No. 28 first, he has a right to make a motion in that behalf and divide the House on it, I am afraid I must rule against the Hon'ble member. On non-official days the order of business is determined by ballot and the House has no power to change that order by its vote. Any member in whose name any motion is put down according to the result of the ballot is entitled to move it in that order. That motion becomes the property of the House after it is actually moved and the House

is then entitled to adjourn its further consideration. (*Sir Hari Singh Gour*: "That is on account of the ballot.") Similarly on a Government day it is Government who are in charge of the business of the day and they arrange the order in which the business is to be taken up. Once any motion set down is moved, it becomes the property of the House and further consideration of it could be adjourned by the vote of the House. It is, therefore, open to the Hon'ble member from Bombay or any other member of this House when the first Demand is moved to get up and say 'I move the adjournment of the debate on this Demand' and to make similar motions with regard to subsequent Demands till Demand No. 28 is reached. But it is (not) open to him or any other member of this House to move directly that any particular Demand be taken up first, for discussion. Therefore, I rule that the motion of the Hon'ble member from Bombay is out of order."

Jinnah thereupon decided to move the adjournment of every one of the Demands till the 28th Demand — the Executive Council Demand — was reached. He once more gave his reason for wanting to take the Executive Council Demand first. He said that the opposition wanted to pass a vote of censure on the Government and the most appropriate grant for that would be the Executive Council Grant. In opposing the motion Muddiman said: "If it is the desire of my Hon'ble friend to censure Government, he can satisfy it by rejecting the Customs rather than by refusing the travelling expenses of my Hon'ble colleagues. If it was a question of their salary, it might be another matter." Muddiman could successfully stand in the way of Jinnah's attempts at making a joint protest because he knew Jinnah only too well, as the last person to oblige the Swarajists who wanted it to be clearly understood that they made no distinction whatever between one Demand and another. Jinnah had already acquired by then the reputation of holding a pistol against all and sundry irrespective of any considerations except those which he himself valued. Muddiman wanted Jinnah not to vacillate but either to stand courageously with the Government or to go into the Swarajists' lobby for voting down the first Demand whatever that was — that happened to be the Cus-

toms Demand — which was the only effective way of asserting their policy of refusing supplies before the redress of grievances. It was not in Jinnah's line to be swayed from the position he once took up even for a tactical consideration. Pandit Motilal Nehru, who was watching the fight over this 'trivial' matter, between Muddiman and Jinnah, with amusement and supreme unconcern, said that it was perfectly immaterial to his Party which demand was taken up first as they were there on that day under a distinct mandate with clear and specific instructions about how to act, that these instructions would apply to any demand that was put forward first and that his party would abstain from voting on the motion moved by Mr. Jinnah. As anticipated by Muddiman, the fate of Jinnah's motion was sealed by this declaration of Panditji. The division on Jinnah's motion showed 29 Ayes and 43 Noes. It is not quite certain that Panditji could not have used his discretion to back up Jinnah without infringing the spirit of the Congress mandate. If he had obliged Jinnah he could have inflicted a defeat on the Government before his announcement of the Swarajist walk-out.

It is interesting to speculate on what the probable course our political life might have taken if the Swarajists under Motilalji had at this time obliged Jinnah, and enabled him to get the change he wanted in the order of business and to defeat Government on the Executive Council Grant. If it was immaterial to the Swarajists whether the first Grant was the Customs Grant or the Executive Council Grant, the Swarajists would not have lost anything by supporting Jinnah on that issue. On the other hand, after the discussion that took place, to lend support to the motion for the change in the order of business which Jinnah sought was to give indirect support to the view that while the Swarajists were anxious to defeat Government on the constitutional issue, they were not against the Assembly's gaining, if they could, some minor modifications in the Demands for Grants in respect of the several Departments of Government. It may, however, be remembered here that, because the Swarajists wanted the support of the rest of the Popular Party, they had so far whittled down their original obstructionist policy, and it was only now that they had resolved to carry out the policy which

they had enunciated during the debate on the first Budget they had to deal with. With Jinnah it had become a question of personal prestige — if not personal vanity. He wanted to make it clear that, while he was as great an opponent of the bureaucracy as any Swarajist, his opposition was a discriminating opposition. Jinnah was not prepared to toe the line with Motilalji or with anybody else. But was Motilalji quite right in ignoring Jinnah altogether? Was he not as obstinate as Jinnah himself? It is a curious, but undeniable, fact that several great issues in human life have been mismanaged because of the willfulness or obstinacy of one or two individuals. It is true that Jinnah had a high opinion — perhaps an unduly high opinion of his political sagacity. But it is equally true that, Muslim as he was, Jinnah was, in those days, an Indian first and an Indian last. Was it not due to him that his nationalism should have received some real recognition by the advanced wing of the Congress? And if he was treated with callous indifference, was it not quite natural that he should consider it necessary to maintain his self-respect by not giving up his point only to please the high and mighty boss of the Swaraj Party? The fact is, one is not quite sure that Motilalji had all the qualities necessary for the leadership of a democratic party in as full a measure as one wished. Perhaps, under him the party machine could not run as smoothly as it should have. It was probably his general intolerance that paved the way for the gradual disintegration of the Party from which so much was expected in its earlier stages. If on the one hand, offence after offence happened, perhaps unwittingly, to be given to Jinnah, that in itself, on the other hand, enhanced his importance and reputation. The net result of it all, one sometimes thinks, is Pakistan and the partition of India.

As soon as the division on the motion of Jinnah asking for the adjournment of the 'Customs' Demand was announced, and that motion was negatived, up rose Motilalji and said:

"Sir, this is the third and the last occasion in the life of this Assembly for Hon'ble members to treat the Treasury Benches with the annual feast of grievances."

Sir Basil Blackett rose to a point of order. He wanted to know whether the Hon'ble member was moving the motion which

did not stand on the paper, of which they had the only notice that the demand be omitted.

Vithalbhai explained: "I think the Hon'ble member is making a general statement as to the position of his Party, in regard to all the Demands for Grants."

Sir Basil understood the situation, and exclaimed: "Then he is not moving the motion!"

Motilalji, resuming his speech, went on to say: "No, I am not moving the motion. Sir, I was talking of the annual feast of grievances, which is provided by the vicious system of Government under which we have the misfortune to live, and I was going to say that this is the third and the last occasion in the life of this Assembly which gives an opportunity to Hon'ble members to provide that feast for the delectation of the Treasury Benches. Sir, the system itself is a perennial grievance, and therefore it is not necessary for the House to pick and choose from among the Demands which have been laid before us. As I intimated to the House, we are here today under a mandate. Our instructions are quite clear and precise and it is under these instructions that I crave your indulgence to permit me to make a statement. We have on the two previous occasions taken part in the discussion on the Budget. We told the British Government that we refused to be consenting parties to the administration which has been forced upon us against our will. We took the opportunity to convey a message to the people of the United Kingdom that, unless the system was changed according to the wishes of the people of India, there would be no contentment in this country. That message, Sir, has so far been unheeded; and the latest utterances of high and responsible members of the Government have shown the utter futility of any further action that can be taken in this House. We come here today under a definite mandate to deliver to the Government the message of the Indian National Congress. For that purpose we avail ourselves of the rules of procedure, and I take the liberty to rise on the motion which has been made by my Hon'ble friend, Sir Basil Blackett."

Here he read the Congress message, and proceeded:

"I crave the indulgence of the House to state briefly what

has led to the action we are taking. As I have said, we took part in the Budget debates of the last two years. We did this on the time-honoured principle of 'grievances before supplies.' The Treasury Benches replied by piling up on us all the obloquy and ridicule which they could, for presuming to use a weapon which we had not the strength to wield. After subjecting generations of the people to a long-continued process of emasculation, they took a cruel delight in reminding them that they were helpless and could not enforce their rights as free men could do. Well, Sir, we admit that at present we cannot; the Government are welcome to derive such consolation as they may from that fact and to gloat over our helplessness. They are welcome to jubilate over their own shame. But, however much we may be enfeebled in body, our soul, tormented as it is, has never been and will never be killed. Your much-boasted Reforms are not acceptable to us, and we shall not have them. We said so before they came into operation. We refused to have anything to do with them when they were first put into operation. The Government replied by repression and oppression of an unprecedented magnitude. During the first period of the operation of the so-called Reforms, thousands of our best men were ruthlessly locked up in jails under various pretexts. They bore it all patiently and courageously. Then came the second period. Some of those who had abstained from coming into the Councils during the first period made up their minds to enter them when the second period began. This they did with the double object of testing the *bona fides* of the Government and showing their determination not to rest till they achieved what was their due. And what did they do? I, who was honoured by those who entered the Assembly by being elected as their leader, began by making this humiliating confession to the House. What I said was:

'We have come here to do something which we have not been doing so far. Sir, we have come here to offer our co-operation, non-co-operators as we are, if you will care to co-operate with us. That is why we are here.'

'I call this a humiliating confession advisedly and I wish I could convey to the House even a very faint idea of what I felt when I uttered these words. But the words were well-considered

and carefully weighed before they were uttered. The humiliation involved was of my own seeking. I sought it and got it. But the tragedy conveyed no lesson to the unfeeling, stony hearts of the bureaucracy. They rejoiced at what they considered our weakness and tried to rub it in. But they failed to take note of the sentence which followed the one that I have just read. It runs thus:

'If you agree to have it.'—referring to co-operation —
'We are your men. But if you do not, we shall like men stand upon our rights and continue to be non-co-operators.'

"Sir, the co-operation we offered has been contemptuously rejected and it is time for us to think of other ways to achieve our object. I shall not trouble the House with the details of what followed. They must be fresh in the memory of Hon'ble members. First came a departmental inquiry and then another more or less public, which is known as the Muddiman Inquiry. The last inquiry culminated in a Majority and a Minority Report. These reports have been the subject of consideration and important pronouncements by responsible members of the Government, by the Secretary of State, the Governor-General and by my friend, the Hon'ble the Home Member. They have been fully discussed in this House and the Resolution of the 8th of September was the result of the deliberations by this House. Then, Sir, we waited and waited. We were told from time to time that the matter was receiving the great consideration, the careful thought, that it deserved and that in the fulness of time the Secretary of State and the Governor-General would announce their final decisions.

"Sir, we are not children; and the Government know very well how far it is possible for this section of the House to go with them on the road to full co-operation. The late Mr. C. R. Das offered generous terms for honourable co-operation. Government rejected them. And what was it that we have been doing in this House? I say that it amounts to the fullest co-operation that we Swarajists are capable of under existing conditions. The reports of the proceedings of the House and of its Committees will amply bear out what I am saying. Sir, we strained our capacity to co-operate to the breaking point. But none so blind

as those who will not see: not that they could not see; they saw that no more was possible and yet in the utterances to which I have referred more and more was expected. We were threatened that, unless it was the fullest co-operation in the sense of working all the details of these Reforms without any demur, and doing as the Government told us to do, unless we put ourselves in that submissive frame of mind, nothing further would be done for us. Have the Government done anything to deserve the full co-operation they demand? A measure of co-operation, however small, was admittedly given even by this section of the House to the Government. This has been acknowledged in the utterances I have referred to, but it was taken only as a sign of better things to come — more co-operation to come. What the Government have done to deserve it is that they have repeatedly flouted the opinions of this House, the considered Resolutions of this House, the Bills that were passed by great majorities in this House. They have passed laws by certification which have been aptly described as lawless laws. This is what they have done. This Assembly came into being just before the Labour Government came into power. What was the first fruit of it? An ordinance was passed shutting up some of the noblest sons of India without trial in jails. Those sons of India are still rotting in jails. This House passed a motion of adjournment only the other day in which attention was called to the ill-treatment, the cruel treatment to which the detenues were subjected. (*An Hon'ble member on the Government Benches: 'question'.*) If that is questioned, then I say that nothing will appeal to the Government Benches. What was the meaning of the extract read in this House from the evidence which Colonel Mulvany gave before the Jails Committee?

(*The Hon'ble Sir Basil Blackett: "That did not explain why they went on hunger-strike. We do not know."*)

Motilalji: "Why, because every man is judged by his antecedents and we know your antecedents. These antecedents have been described by your own countryman, a countryman against whom you cannot possibly say that he has not told the truth. Has Colonel Mulvany stated or not stated the truth? Was he a liar (*an Hon'ble member on the Government Benches: 'Yes'*)

(*Lala Lajpat Rai*: "And you are not!") (*an Hon'ble Member*: "Who is the liar?"). Was the person who suggested a lying report to Colonel Mulvany a lesser liar or greater liar than he was according to you? Is that not a fact? Have you had the courage to deny that Colonel Mulvany was instructed to send a lying and perjured report? There are those instructions in black and white and you, now, behind the back of an Englishman, your own countryman, have the audacity to say that he is a liar. (*Cries of 'Shame'*) I know that in order to maintain your grip on this country you will do anything, you will go to any length; you will desert your own countrymen.

"Now, what are the other favours bestowed by you upon India? There was first, the Lee loot. After taking the Lee loot, you gave some eye-washes. An announcement was made the other day by His Excellency the Commander-in-Chief of a Royal Indian Navy. It seemed indeed to be something very grand to have the Royal Indian Navy that was coming to us before our right of entering the Army was conceded, even before the Skeen Committees had succeeded in exploring avenues for the supply of ten men from the whole length and breadth of India to fill ten vacancies — not in the Commissioned ranks, but for training at Sandhurst: they were hard put (to it) to find these ten men; but they find no difficulty in making an announcement that India is to have a Royal Navy of its own. Well, yes; just as India has an Army of its own; and when you look at the terms of the announcement and work it all out, God only knows whether within a hundred years we will have even a tenth part of that Navy manned by Indians. That is the announcement.

"Then there is the Royal Commission on Agriculture. A very tempting announcement indeed. In a country which has agriculture as its staple industry, and (which) depends solely upon it, anything to improve the industry, would be welcome news to all classes of the public. Of course the Commission is coming. We shall know what good it will do when it has come and gone; but we know enough from the reservation of matters which are not to be within its jurisdiction to foresee that it is not to be anything very grand or a thing which will carry us very far.

"Sir, I do not propose to go into other matters. They have

been fully discussed on the floor of this House. I do not wish to exhaust the list of the grievances of the public or of the wrongs inflicted by the Government. They are all to be found in the report of the debates in this House and are public property, but I should like to call attention to one passage in the statement which was made by Lord Birkenhead in the House of Lords, the famous statement on the Reforms. That statement has been fully discussed on the floor of this House, and quoted from in the speeches of the Governor-General delivered from time to time, and His Excellency's inaugural addresses in this Assembly and in the Council of State. I do not wish to comment on these speeches today, but wish to notice this remarkable passage occurring in the speech of Lord Birkenhead. He says:

'We shall not be diverted from its high obligations'... high obligations of what? Of the Preamble to the Act —

'We shall not be diverted from its high obligations by the tactics of restless impatience. The door of acceleration is not open to menace; still less can it be stormed by violence.' (Hear, hear' from the Government Benches). Now, it is all very well for Lord Birkenhead to have thundered forth those words, and for the Benches opposite to applaud them and shout 'hear, hear', but who in the world ever tried to accelerate reforms by menace, by threat or by violence? You will say that there are criminal conspiracies, secret conspiracies and secret societies. Surely when Lord Birkenhead made that statement he was making it on the demand by this House, and can it by any stretch of reasoning be said that that demand was accompanied by any kind of threat or menace? As for the existence of anarchical societies, I do not feel it necessary to go into that question today. I have gone into that question fully, and I only warn you that if you do not take care, you will find the whole country from end to end honey-combed by these anarchical societies. Sir, violence of any sort, as you know, so far as my party is concerned, does not enter our ethics. We resort to no meance or threat. We know the great power that this Government wields. We know our own weakness. We know that in the present state of the country, rent as it is by communal discord and dissensions, civil disobedience, our only possibly weapon, is not available to

us at present. But we know also that it is equally unavailing to us to remain in this Legislature and in the other Legislatures of the country any longer. We go out today not with the object of overthrowing this mighty Empire. We know we cannot do so even if we wished it. We go out in all humility with the confession of our failure to achieve our object in this House on our lips. We should indeed have done so, much earlier, but the superior diplomacy and tactics of the Government put us off from day to day. We never believed in their professions, but we did not wish to put ourselves in the wrong, and we waited till a clear answer to our demand was forthcoming. It has now come clear and crisp from my Hon'ble friend the Home Member. There is no more use for us here. We go out into the country to seek the suffrage of the electorates once more. We do not give up the fight. We fully agree in the sentiment contained in the lines misquoted by Lord Birkenhead in the statement to which I have just referred. They are quite opposite (apposite) but not in the sense in which Lord Birkenhead used them. They run thus:

'He either fears his fate too much
Or his desires are small;
Who dares not put it to the touch
to win or lose it all.'

"We have no misgivings either about our fate or our deserts, and we go forth into the country to put it to the touch to win or lose it all. We feel that we have no further use for these sham institutions, and the least we can do to vindicate the honour and self-respect of the nation is to get out of them and go back to the country for work. In the country we will try to devise those sanctions which alone can compel any Government to grant the demands of the people. We hope and trust that the nation will give a suitable reply to the truculent rejection of our demands and will send us again in larger numbers with a stronger mandate, and, God willing, with the sanction for fulfilling its aspirations and enforcing its commands. These are the few remarks, Sir, that I wished to make in order to make the position of the Swaraj Party clear. I now beg your permission to withdraw, and I call upon all the Swarajist members of this House to follow me."

On the conclusion of his speech Pandit Motilal Nehru and all the members of the Swaraj Party withdrew from the Assembly Chamber in a body with a bow to the Chair. The walk-out of the Swarajists was most impressive; the benches occupied by the Swarajists presented a big void and the Chamber wore a deserted look. All this was witnessed by a crowd which was as large as distinguished, and was thoroughly representative and included such people as had never honoured the public galleries before. Vithalbhai too *must have been* moved by this happening and was careful to see that no one disturbed the benches vacated by the Swarajists. Rai Sahib Harbilas Sarda, apparently acting up to a pre-arranged plan, stepped into the Swarajist benches. The President soon brought him to order and asked him to vacate that seat, which Sarda stated he was occupying at the request of the Secretary of the Legislative Assembly. Muddiman rose unashamed to belittle the Swarajist demonstration and to prove the truth of Motilalji's observations on the notorious temper of the bureaucracy. Malaviyaji intervened to express his sense of indignation at the contemptuous manner in which Government had treated the demands of the House made in September 1926, but the rage presently blew off in an impotent fume, as he coolly sat down in his comfortable seat in the manner of the other Independents.

The lunch hour was about to strike, when Vithalbhai rose in his full dignity, and to the full height of his stature, and, in a serious and moving tone, brought to a climax the excitement caused by the Swarajist walk-out by adjourning the business of the House till the next day — adjourning it just at the time when the House would normally have risen for lunch. As the Hon'ble the President, he made the following observations:

"The Chair regrets the circumstances which have necessitated the withdrawal from this Chamber of the largest party in this House. Whether the crisis could have been averted or not by tactful and wise handling is not a question on which the Chair is called upon to make any statement. The fact, however, remains that the House ceases to be representative in the sense in which it was intended to be by the Government of India Act, and it is for Government to consider how far they should conti-

nue this House or not. There is absolutely no doubt that the Assembly, as it is constituted now, is merely there to register the decrees of the Executive Government. It cannot be anything else, and therefore it is for Government seriously to consider how long it should allow this House to function. But so long as it is allowed to function, I would advise Government to bring forward only such business as is absolutely necessary for the purpose of carrying on the administration, and not to bring forward any controversial measures. The Chair has a duty to see that the machinery of the Government of India Act is not abused to the prejudice of the people of this country, and for that purpose *the Chair possesses sufficient powers in the shape of the adjournment of the House, sine die*, or in the shape of refusing to put any motion to the House. I hope and trust that the Government will so act in carrying on the business of this Assembly hereafter that the Chair will not be compelled *to resort to its extraordinary powers*. I think it is necessary, in the present atmosphere, to adjourn this House, till tomorrow morning, at 11 o'clock."

Vithalbhair's remarks will go down to history as the voice of an independent and fearless tribune refusing to work as an automaton under the Constitution. Perceiving that the walk-out of the largest party of the House had made it unrepresentative, he said in plain language that the House was for all practical purposes reduced to a machinery to register the decrees of the Executive. Vithalbhair proved that, while being an extraordinarily efficient Speaker of the House, he could get the utmost out of the Constitution as it was and, when the occasion arose, he could really speak out from his great office the mind of the people, and lay down a line, which if crossed by the officials in their mood for fight would force *him* also to cross over and plunge into the struggle and throw him back again in the storm which had been his element throughout, and to become, once more, the stern and relentless fighter that he was, for his Motherland.

The statement created on the Government Benches the greatest sensation of their life. They were extremely puzzled and could not believe their ears and were seen running to and

from the Viceregal Lodge for mutual consultations to fight this Tartar of a President. Their legal brains were busy ransacking the Government of India Act, Rules and Standing Orders, to know the utmost extent to which the President could go in acting independently of Government and hold it at bay. The statement created a stir in the minds of the public as great as that in the Government circles. The secret was so well kept that not a soul seemed aware of Vithalbhai's intentions until he actually made those remarks in the Assembly. How this ruling happened to be kept a close secret even from the present writer, has already been narrated earlier in this book.

This issue, which Vithalbhai had raised was an issue of great constitutional importance. He thought that it was his duty to see that the machinery of the Government of India Act was not abused to the prejudice of the people of India, and he maintained that, in the Act as it was, he did have the extraordinary powers to *adjourn the House sine die* in the event of Government bringing forward any business other than what was absolutely necessary for the carrying on of the administration. The President of the Assembly, like the Speaker of the House of Commons, is the ruler as well as the servant of the House. That position arises from what one Speaker has called 'the well-ordered inheritance' of the Chair of the House of Commons.

In the long history of the struggle between the King and the *British House of Commons* there have been several instances demonstrating how zealously the Commons have maintained their right to manage their own business and to see to it that the Speaker should not forget that, while he is in the Chair, he is *their* servant even though at the same time he was also the servant of the King. When the claim of the King to levy tonnage and poundage without the consent of the representatives of the people was in dispute, Charles I commanded the House to adjourn. The Speaker, Sir John Finch, who delivered the King's message, said that he had further command from the King to leave the Chair if any one attempted to speak after the order to adjourn had been given. One member then rose to address the House and the Speaker moved as if to leave the Chair. But he was seized and forced back into the Chair again. "God's

wounds!" said another member, 'you shall sit till we are pleased to rise.' Then again, when Charles I demanded that Pym and others should be delivered to the Sergeant-at-Arms, Speaker Lenthall replied:

"May it please Your Majesty, I have neither eyes to see nor tongue to speak in this place but as the House is pleased to direct me whose servant I am here."

The circumstances under which the largest section of the Assembly representing the people's voice — withdrew, certainly, affected the functions of the President. The normal constitutional character of the Assembly was altered materially by the absence of the people's representatives. At any rate that was the view of Vithalbhai. This was, however, an extraordinary situation, and there was hardly a precedent, exactly on all fours, which could guide the President in this emergency. Of course, there could not be such a precedent in the British House of Commons, as the composition of the British House of Commons could, at no time, be in this predicament. As the President, Vithalbhai certainly had the power to adjourn the house, in his own discretion, when he thought that the business of the House could not go on, but whether such an emergency had actually arisen, and whether the letter of the Constitution could bear the interpretation he had put on it, Vithalbhai could not be quite clear about. He therefore felt that he should subject the decision he had taken to the inquisition of strenuous second thoughts; and under their stress he yielded to the conviction that something was due from the President to the letter of the Constitution as it stood in its rigid and unlovely outlines. As a homage to the formal technicalities of the Constitution, the President on the morrow, when the House met, after the question hour, and, before the debate on the Budget began, made the following statement:

"The remarks which I made yesterday have been taken by several non-official members of the House as a reflection on them. It is my duty to assure them that I never meant to cast any reflection on them. What the Chair intended to emphasise was that the Government should not take advantage of the numerical weakness of the representatives of the people in this House and bring forward measures of highly controversial character, except

such as were necessary for the discharge of their responsibility for the carrying on of the administration; I might add further that I feel, on reflection, that the Chair should not have made a reference to its own powers or have used language which might, perhaps, be construed as a threat to the Government, but should have awaited further developments before deciding on its course of action."

This is one of those episodes in the history of the Assembly during the Speakership of Vithalbhai which shows that, while scrupulously keeping to the requirements of the Constitution, it was possible for the Speaker to make the voice of the nation felt and to cause a flutter in the dove-cotes of an irresponsible Executive. To expose the hollowness of the Government of India Act was the object of the Swarajists, and no Swarajist accomplished that object more successfully than President Patel who had ceased to be a Swarajist at the time he did so.

Vithalbhai's intentions in making the remarks he made were quite clear. He wanted to point out that the legislative show had degenerated into a perfect sham after the legislature ceased to have a representative character on account of the walk-out of the Swarajists.

But he also knew that despite all that, Government would continue to humbug the outside world. He thought, however, that he could prevent Government from hoodwinking the public by invoking the inherent powers of the Speaker by adjourning the House *sine die* every time the Viceroy and the Governor General called it in session. A very interesting situation would have developed and Vithalbhai could have demonstrated to the world that the policy of creating deadlocks which he had so consistently and persistently been advocating as a Swarajist member was not only a practicable proposition but undoubtedly the most effective method of Parliamentary obstruction. It was this view that led Vithalbhai to make his first statement to the House, but he forgot in the heat of the moment that Jinnah and his Independants had been left behind. Jinnah took strong exception to the statement and even went to the length of informing Vithalbhai in private that unless he made the necessary amends he would be moving the House to pass a vote of censure against him.

Vithalbhair also realised that without the co-operation of Jinnah and his rump, it would not be possible for him to stop the Assembly from functioning. Although he felt that his contention as expressed in the statement was substantially correct, he could not implement it in practice, as Jinnah was the last man to forego his pound of flesh, no matter whose it was. Malaviyaji was visibly moved by this embarrassing situation. He was considerably affected by the departure of the Swarajists who were certainly after his heart, many of them being his esteemed colleagues in the sphere of national service for years. He was not prepared to witness the exit of Vithalbhair. He intervened, and persuaded Vithalbhair to issue a modified statement. Malaviyaji told Vithalbhair that he was assured by the Government Benches that they would refrain from introducing any Bills of controversial nature though he was not prepared to guarantee that they would stick to that understanding. It was the voice of the venerable Pandit that ultimately prevailed and the next day Vithalbhair made the statement, which we have quoted above. Muddiman's response to it was also as satisfactory as it could be in the circumstances. He had said:

"Sir, I confess that I left the House yesterday with a feeling of profound oppression. I will add nothing to the situation beyond saying that your words today have done much to relieve that."

Chapter Twenty-Eight

RE-ELECTION

THE Swarajist walk-out was one of the most impressive shows of the second Assembly. The mandate of the Congress had made it inevitable. Signs were not wanting, however, that it was not altogether a smooth affair. As President of the Assembly, Vithalbhai had asked the Government not to take advantage of the numerical weakness of the representatives of the people, and not to bring forward any measure of a controversial character. The Government, however, was in no mood to oblige the Swarajists, and were determined to go to the extent to which they could, under the Constitution as it stood. Vithalbhai was not quite sure whether the spirit of the Constitution, as distinguished from its letter, would enable him to adjourn the Assembly simply for the purpose of preventing Government from introducing any measure they liked, however controversial it might have been. And when Government introduced the measure for equating the rupee to 18d. the Swarajists had to think twice before choosing between allowing this measure, which they believed to be absolutely against the interests of the country, to pass because of their absence in the Assembly or to treat this occasion as exceptional and to walk in for the purpose of preventing such an eventuality. Ultimately they decided to walk in and stay in the chamber just long enough to secure the adjournment of this Bill to the new Assembly. Whatever the general justification of the walk-out might have been, here was an instance of the kind of things the Swarajists could do, or rather could prevent from being done, by being in the Councils. The boycott of the Assembly and of the Councils was obviously a policy of mere negation. Anyway one result of this walkout was the secession from the Swarajist Party of Lala Lajpat Rai who considered it detrimental, in particular, to the interests of the Hindus. He could not see eye to eye with Pandit Motilal

Nehru. The controversy took a violent turn and led to personal recrimination, and ultimately they parted company. This was not all. There was an ever-widening rift in the ranks of the Swarajists. The obstructionist method of wrecking the Councils from within had lost its charm for several of the leading members of the Party. In fact, the policy of persistent and consistent obstruction was never given a fair trial and exceptions used to be made to suit the convenience and whims of big guns. Deterioration set in with the acceptance of a seat on the Skeen Committee by Motilalji himself. Mahatma Gandhi's blind worshippers could verily say now that the Mandirs of Maya had enmeshed the Swarajists. The cry arose from a substantial section of the Party for a policy of responsive co-operation. This was in one sense a new *Avatar* of the policy of co-operation *cum* opposition of the old Liberals headed by Gokhale and Pherozeshah Mehta. Kelkar, Aney, Moonje and Jayakar were the leaders of this section. Drastic efforts were made to patch up the differences between the old guard led by Motilalji on one side and the Responsivists led by Kelkar and others on the other. The so-called Sabarmati Pact was the result. The Responsivists were of the opinion that the response made by Government to the National Demand should be considered satisfactory, if, in the provinces, the power, responsibility and initiative necessary for the effective discharge of their duties were secured to Ministers; and that it should be left to the Congress members of the Provincial Councils to decide whether they were satisfied with the power actually accrued to them. Their decision, again, had to receive the sanction of a Committee composed of Motilal Nehru and Jayakar. This was the Sabarmati Pact. It could, however, hardly stand the strain of conflicting ideologies within the Swarajist group. Dissatisfaction with it became vocal immediately after it was made. Motilalji, who appears to have been an unwilling party to it, now declared publicly that three conditions, as enumerated below, were a *sine qua non* for the acceptance of any office under the Government: (1) The Ministers must be made fully responsible to the Legislature, free from all control of Government; (2) An adequate proportion of the revenues must be allotted for the development of Nation-building Departments; and (3) The Minis-

ters must be given full control over the Services in the Transferred Departments. This elucidation of the pact by Panditji sealed its fate, and the Swarajists and Responsivists definitely parted company.

Thus the springing up of fissiparous tendencies and disruptive forces threatened to tear off the very structure of Indian Nationalism. Add to this, the havoc caused by the communal riots, all over the country, but principally at Calcutta which was the worst offender in this respect. Communalism had raised its ugly head in several parts of the country, and incendiarism and blood-shed painted many a city literally red. National life seemed to be swallowed up by the communal upsurge.

This was the unfortunate condition of the country as a whole on the eve of the general election. Its effect on Vithalbhai was immense. The Swarajists' walk-out made him the sole custodian of the rights and privileges of the members of the Assembly. He could not participate in any of the attempts made outside the Assembly to resolve the deadlock between the Swarajists and the Responsivists. He simply could not do anything in the matter, because, as President of the Assembly, he had ceased to belong to any party, and could not have any politics of his own. Shorn of the shackles of party politics, he had to plough his lonely furrow in the Assembly. Having bound himself to eschew politics, when he accepted the Speaker's position, he would not allow himself to be swayed by the currents and cross-currents of the politics of the day. He had, with open eyes, circumscribed his own liberty in the larger interests of the country, and, whatever the difficulties in his way and howsoever misunderstood he might be, he was not going to retreat from the position he had deliberately taken for himself. He stuck to his guns, and proved to a wondering world that Indians knew their responsibilities and could be trusted to know what was right and what was wrong.

With the Swarajists out of the Assembly, Vithalbhai's hopes and fears, his likes and dislikes, his tactics and strategies were on trial. Could he now get the best out of the Constitution which had placed him on that elevated position? Vithalbhai was no 'wild extremist.' He would attempt no hair-brained adventure.

no wild-cat scheme, while he remained in office. And yet he could never bring himself to the position of the out and out co-operators with the Government who were now in the majority of the depleted Assembly. Upon his shoulders fell a terrible burden of responsibility. Often enough he was subject of suspicion of partiality to this or that party, to this or that individual. Be it noted, however, that, in spite of all these handicaps, by his intense sense of duty, by his unswerving loyalty to the position of trust, he adorned, and by his iron self-control, he compelled the admiration even of those who could ordinarily hardly have been his friends and evoked the spontaneous confidence of the general public such as they hardly ever reposed in any man. That he had discharged successfully his duties as the first elected President of the Assembly, to the entire satisfaction of all the interests in the Assembly is evident from several of the valedictory speeches and the warm *au revoir* extended to him by prominent members of all the parties in the Assembly on the eve of its dissolution *sine die* prior to the General Elections. It is true that such speeches cannot always be taken at their face value, but, closely scanned, several of them would be accepted as perfectly sincere by the most confirmed cynic. For want of space, extracts only from a few of them can be included here. Among those that are included, pointed attention may be drawn to the speeches of Diwan Bahadur T. Rangachariar — Vithalbhair's rival for the Speaker's Chair, and the Hon'ble Sir Alexander Muddiman — the Home Member.

Rangachariar: "Now that we are about to part, and the Second Assembly is going to come to an end ushering in a Third Assembly, it is but right, Sir, that I should say a few words in acknowledgment of the able way in which you have presided over the deliberations of this House. (Applause). It is a sorry feature, Sir, that on this side of the House my non-official friends are conspicuous by their absence. None the less, Sir, I can assure you that the way in which you have discharged the duties of your high office has earned approbation and appreciation at our hands. Sir, at the time you were chosen to the Chair, I happened to compete with you. If I may say so, luck and chance favoured your election. Sir, whatever apprehensions

there might have been, on account of your political views, you have, by your strict impartiality; fairness, ability, tact and courage, shown that the first elected Indian President of the Indian Legislature has proved a success. For a short time you allowed me to occupy the Chair; I found it a very onerous task, oftentimes subject to suspicion of partiality to this or that individual. Sir, it is a very difficult task to fill that Chair, and it was rendered more difficult by the distinguished way in which your predecessor discharged his duties. Human beings are not perfect. There are imperfections in every individual, but here we have to consider the position as a whole and, Sir, I have no hesitation in saying that both on the non-official side as well as on the official side there has been full appreciation of the way in which you have discharged the duties of your high office. I hope you will come back to this House and try your chance again, and I wish you success in your endeavours. I may not be here to compete with you...."

Sivaswamy Aiyer: "Sir, I wish to associate myself wholeheartedly with the tribute which has been paid to your services to this House by my Hon'ble friend the Deputy President. When you were chosen to fill the high office which you now hold, there were not wanting some who entertained some misgivings, due to the fact that you had been a strong party man throughout your political life and that you had not been in the habit of repressing your feelings. But whatever misgivings might have been entertained, they were all soon dispelled. You came into the office with a very high conception of the duties of the Chair, and notwithstanding the fact that you had the disadvantage of succeeding a person with great parliamentary experience like Sir Frederick Whyte, who had filled the Chair with distinction, you soon demonstrated that the great experiment which was to be tried of appointing a non-official Indian to the Chair was a success. Sir, you have filled the office with great dignity, firmness and tact. Though the Chair is only a few feet above the floor, there is a great difference in the atmosphere which surrounds the Chair and the atmosphere of the floor of the House. You have maintained a gravity, unperturbed by the most provoking sallies of jocularity, and whatever squalls and scenes there might have

been on the floor of the House you have always held your head aloft, above these squalls and angry scenes, and I hardly remember any occasion, except perhaps one which everybody has now forgotten, when a momentary gust of feeling reached the Chair. That incident we have all forgotten and we have all learned to admire the way in which you have so worthily sustained the mantle which fell on you from Sir Frederick Whyte's shoulders. We have found you always helpful and obliging, always ready to give advice to the non-official members. As to the help you have been able to give the official members, testimony will be more appropriately forthcoming from the official Benches. I can only speak for my non-official friends and I am sure they will all join with me in acknowledging the great help you have given us throughout your tenure of office during the life of this Assembly.

"Sir, this experiment of appointing a non-official Indian to the Chair of this House was and is one of great significance. It has shown, conclusively, that the requisite capacity for filling the office of Speaker is not wanting among our countrymen. Sir, it has also other lessons which may be taken note of by the official Benches, that investiture with responsibility develops a high sense of responsibility, a lesson which is not without far-reaching implications. I hope, Sir, that the electorates also, particularly your electorate, will rise to the standard of parliamentary traditions and that they will elect you without any contest. Whatever may be the vicissitudes of fortune at the election of the other members, I hope that you will be untouched by those chances. Let me also express the hope that when you are returned to the next Assembly without a contest, there will be no competition as forecasted by my friend on the right but that you will be elected to this office without any opposition. Let me hope that the House will rise to a due sense of the importance of maintaining parliamentary traditions. Sir, I am sure you will cherish the expression of the genuine regard which this Second Assembly has entertained for you, and I have no doubt the Third Assembly, if it is fortunate enough to secure your services as President, will acquire the same regard."

Abdul Qaiyum: "Sir, please allow me to associate myself

with the remarks of my friend Sir Sivaswamy Aiyer about your work in the Assembly. It is on behalf of a small group in this House, called the Muslim Parliamentary Party, that I offer you my sincere congratulations on the most successful manner in which you discharged your responsible duties. This group, though claiming to be all good, composed entirely of Parliamentarians, has a few members who are more often out of order and I trust that their appreciation of your patience in dealing with them will not be taken for partiality.

"Sir, you have carried out your responsible and delicate duties admirably. You have shown strict impartiality with your natural force of character, and I am not sure if any other Indian member of this House could have done so, to the more genial satisfaction of the House. Your eye has not failed to catch the most suitable speaker on each subject and when you had more than one speaker on a subject your choice always fell on the one who could speak to the best advantage of the debate. Whenever you found a debate going out of bounds or assuming an unbecoming communal aspect, you either at once diverted the channel or tactfully closed the subject on constitutional grounds. In short, your tactful handling of the deliberations of this House is beyond praise. You were the first Indian to hold charge of this important position in the Imperial Legislature and you have acquitted yourself most creditably. You have got the certificates of the previous distinguished speakers — I should call them certificates in my layman's language — and more, I believe, will be speaking on the subject later on; but it is as well that you should know the feelings of one who is the representative of an unostentatious party in this House, and of a constitutionally backward community or province. The Hon'ble Mr. Patel, President of the Assembly, appears to be quite a different man from Mr. Patel of the Swaraj Party time (laughter) — and I was surprised to see the enormous change in the old man. It shows that even a lion is capable of being controlled by his own sense of justice and equity, when placed in a responsible position! I wish many others could be as just and as impartial as Mr. Patel of old has been ever since he has occupied the Presidential Chair. Sir, if you can manage a stormy House like ours, com-

posed of conflicting elements, I am sure that you can command an army of irregulars on a battlefield, should an occasion arise. You will not find it more difficult to control a rash soldier than to control the whip of our Party, Mr. K. Ahmed. (Laughter). I wish you a sure and speedy return to the House after the elections and once more very sincerely congratulate you on the way in which you have performed your onerous duties."

Sir Walter Willson: "Sir, my group wish to associate themselves with the remarks which have fallen from the previous speakers in paying their tribute to you as President of this Assembly. Sir, at the time the future appointment for the Chair and the settlement of the emoluments was debated on the floor of this House, our group took a strong line in helping to make that position one of such dignity as would attract the best men of the country, and we hoped when we had them there that they would have a desire to retain that position.

"We particularly admire the way in which, once elected to the Chair, you have been able to drop your own politics and we are here to pay our tribute to the invariably courteous and considerate manner in which you have treated both our group and all others in the House. You have endeavoured to meet us in every way. We recognise your fairness throughout the term of your occupation of the Chair, and I wish now, Sir, to go one step further, and particularly emphasise the remarks which fell from my friend Sir Sivaswamy Aiyer. We shall be very pleased indeed if your re-election from your constituency is not contested. We value the English tradition very high by which the constituency of the Speaker is not a contested seat. It is, in our opinion, not for any Party in the country to say who shall or shall not occupy the Chair of the House. Therefore we hope that no Party will contest your seat and prevent your return to this House, where you will then stand for election by the votes of this House, who alone should say whether you should occupy the Chair or not. Sir, we emphasise that point very particularly, and I am glad that it came from Sir Sivaswamy Aiyer to start with."

Venkatapati Raju: "Sir, on behalf of my Party and on behalf of myself I add our tribute of admiration for the successful

manner in which you have conducted yourself as President. When you were installed in the Chair, statements were made in several quarters that they would not be disappointed, and if there were any doubts in their minds, they have been dispelled by your successful carrying out of your duties. As my friend Mr. Rangachariar pointed out, perfection is not given to man. You may have committed mistakes here and there. But, Sir, taken on the whole, you have proved that an Indian is quite capable of holding any position which is in the gift of the Crown or man. But you have proved another thing also. You have been a fiery gladiator on the floor of this House and you have fought hard against the Government. Sometimes you have made irresponsible speeches that even your supporters find (found) it difficult to support. But since you have occupied a responsible position, you have proved yourself quite capable of carrying on your duties, unconcerned with your previous political predilections. That shows that Indians are capable of occupying any place if only the opportunity is given to them. I may state, Sir, that my friends on all sides wish you an early return and an uncontested return. On behalf of my Party and myself, I may state that if the occasion arises and if our support is needed, we will give you our unstinted support to place you again in the same place."

Dumasia: "Mr. President, after the graceful tribute that has been paid to you by the previous speakers, very little remains for me to add to that well-deserved testimony of our admiration for you. Sir, I have seen your work in the Bombay Corporation and having been satisfied with the ability, independence and dignity with which you discharged the onerous duties of the office of its President, you found in me a supporter, and though I was in a different camp and, politically, did not see eye to eye with you, I supported your elevation to the Chair on the ground of fitness and fitness alone. Sir, by the way in which you have filled that office, you have vindicated the fitness of Indians to fill any high office of responsibility and trust. But, Sir, there is a great significance in your elevation to this office. It is this that by co-operation with Government and with the different parties, we can achieve our goal. There is another significance in your

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elevation to this office. It is that the Reforms are not as worthless as they have been sought to be made out. Sir, you have set a great example of co-operation and you have shown what we can achieve by co-operation and constructive work, and I hope when the next Assembly meets, the example you have set will not be lost upon the members of extreme parties, and I am sure that if we work hand in hand and co-operate in working the Reforms for what they are (worth), we shall not be surprised if the Statutory Commission comes out in 1927 instead of 1929."

Baptista: "I have been here only for a short time but I venture to associate myself with the speakers that have preceded me in congratulating you, upon the satisfactory discharge of the duties that devolved upon you. I understand, Sir, that Mr. Patel, the stormy petrel of the Swaraj Party, is quite a different person from Mr. Patel, the President of this Assembly, but that only establishes the proposition that Indians possess a full sense of responsibility in the discharge of the office which they may be called upon to fill. Now, Sir, I hope and pray that the electors in the constituency and this House will establish the convention that obtains in England and in the House of Commons and see you filling that office once again. I am particularly gratified to find that the satisfactory discharge of the duties by you establishes the proposition that a good President of the Corporation of Bombay makes an excellent President of the Legislative Assembly."

K. C. Neogy: "Sir, I claim to speak on behalf of the most numerous section, and perhaps not the least troublesome section, of the non-official members of this House, I mean the back benchers, who are most of them conspicuous by their absence to-day. I endorse every word that has been said by the previous speakers in appreciation of your services. I am one of the very few members present here today who had the honour of sitting in this House ever since its inauguration. I had the privilege of studying parliamentary procedure under the guidance of Sir Frederick Whyte, and I have no hesitation in saying that in you we have found a worthy successor to the first President of the Legislative Assembly. I wish you godspeed."

Maulvi Muhammad Yakub: Allow me also to join in offering my quota of tribute to you for the satisfactory manner in

which you have discharged the duties of your high office. Sir, the elections are now coming on, and this is the last day of the life of this Assembly. Some of us may come, while others may not come, but I can assure you that those who may have the honour of being returned to this Assembly as well as those who may not come back,—all will be thankful to you and remain grateful to you for the courtesy and the kindness with which you have treated us in and out of the House. It is beyond my ability to pass any remarks upon your rulings.”

Pandit Madan Mohan Malaviya: Sir, I heartily join with my colleagues in offering you our cordial congratulations on, and in expressing our appreciation of, the manner in which you have discharged the duties of the very responsible office to which you were elected by the votes of this House. I do not wish to take up time by repeating what has been said, and I feel that I cannot improve upon what has been said, in the excellent manner in which it has been said, except to express the hope that you will be returned unopposed to this Assembly and that it will be your proud privilege to serve the Motherland again in the responsible position, the duties of which you have discharged with such distinguished ability and dignity.”

Muddiman: “The duty that has fallen to my lot is a pleasing change from the duty that I frequently have to undertake. It is frequently the case that I have to address the House to endeavour to persuade it to unanimity when, if I may say so, its natural impulse is to disagreement; but I will say this that when the House is in a mood for agreement, it agrees very heartily and I think the speeches that have fallen from the various and numerous leaders to-day establishes that fact very clearly. It would be entirely inappropriate for me not to join in the congratulations to you, Sir, on the manner in which you have discharged your duties. I very respectfully lay my bunch of roses on your desk in addition to the other bouquets that have fallen to your lot. You know, Sir, that I have also been a President in my time and I have no doubt you have found, as I have found, that the cares and responsibilities of that office are sometimes very great. I do not think that you would support the opinion that the presidential Chair is always a bed of

roses. Therefore, Sir, the credit of filling that Chair in a becoming manner is all the greater. I am sure it will always be a satisfaction to you to remember that you were the first President elected by the Assembly to preside over it and that your term of office, though it may have been comparatively brief, has not been uneventful. *Indeed I think the constitutional historians will refer to it as a landmark in the history of this Assembly.* (Applause). I trust, Sir, that there are many active years of public life before you, and I therefore do not propose to dwell, as I otherwise would, on the fact that we have known one another for many years in various capacities, and I trust that you will not think, if I do not dilate on the personal aspect of the case, that I do not appreciate it. On my own behalf and on behalf of those who sit behind me I offer you my thanks and their thanks for the very considerate and courteous way in which you have maintained those relations between the Chair and the Leader of the House which alone can contribute to the proper disposal of public business. Sir, I do not know whether it would be right for the Leader of the House to express any views on the elections, but I will leave you to guess what those views are in respect of one of them."

Vithalbhai's reply to all these valedictory speeches was characteristic of the man, not haughty, but in no way humble. It must be reproduced here in full:

Vithalbhai: "Brother Members and comrades of the Indian Legislative Assembly, I confess I do not know how to thank you sufficiently for the generous treatment I have received throughout the period of my office, from all sections and from every Member of this House, and, more particularly, for the flattering speeches which I have just heard. I am, indeed, grateful to you for your unfailing co-operation with the Chair during that period. I am also grateful for your ready and cheerful acceptance of my rulings from time to time though they might have been distasteful to some of you on occasions. I am particularly grateful to you for one other matter to which I should like to refer on this occasion. As you must have noticed, I have always been very jealous of the privileges of this House, such as they are under the present Constitution,

and, more so, of the authority, dignity and the honour of this Chair. I am glad to acknowledge that you have on all occasions given your full support to me in my endeavours to guard those privileges, and to maintain that authority, that dignity and that honour. (Applause). If at any time I have given offence to any Member, or Members (Honourable Members: "No, no,") or any section of the House, it was unwittingly, it was inadvertently, and I ask their pardon most sincerely to whomsoever it may have happened. If on any occasion I have deviated from that calm, which must characterise all the utterances of the occupant of this Chair, I wish every Member of the House to believe me when I say that I was not consciously actuated by any personal or political feeling, but in everything I have said or done, I have tried to consult the advantage and the general interest of this House and the country. (Applause).

"When in your collective wisdom you called me to this exalted Chair, I took it with a solemn determination within myself that I should be absolutely impartial in everything. I soon realised that for an elected President it was not enough to be merely impartial, but it was more essential for him to inspire in every Member of the House a feeling that he would be impartial. I found that the only and the best way to inspire that feeling in you was that I should lay aside, so long as I occupied this Chair, all that was personal, all that was of party, all that savoured of political predilection, and to subordinate everything to the great interests of the House as a whole. I desire to assure you that I have ever endeavoured to work on these lines to the best of my capacity, in spite of my political surroundings and political associations for a number of years before I took the Chair. It is not for me to say how far I have been successful in those endeavours. As some of you are already aware, one of the objects — I will not say the only object — which induced me to accept this office was to demonstrate to the British Government that public men in India, if they have been in some quarters described as irresponsible and destructive critics of the existing systems of administration, are so because they have not been entrusted with responsibility; and the only way to fit the people of this country for responsible Government is to entrust them

with the working of such a government. How far I have been able to achieve that object, and how far it will further the cause of this country are matters on which I do not feel competent to express any opinion.

"Before I conclude, you will permit me to acknowledge with thankfulness the valuable assistance and advice I have constantly received from the two officers of this House, I mean Mr. Graham and Mr. Gupta. Not that I had no occasion to differ from them, but the most admirable quality with which I was particularly struck was that, once I passed my orders on any matter, in spite of their opinion to the contrary they accepted my decision and loyally supported me throughout. (Applause). It was simply a pleasure to work with them.

"I have now done. Before I adjourn the House, may I request you to do me the honour of shaking hands with me, and for that purpose may I invite you, Sir Alexander Muddiman, as the Leader of the House, to lead the way."

With this ceremonial of handshakes, on the 2nd of September, 1926, the Second Assembly adjourned *sine die*.

Since the walk-out of the Swarajists, the Indian political situation had been going through a variety of vicissitudes. The Responsivists had arranged a conference with the leaders of the other parties in Bombay on the 3rd of April, 1926, and had succeeded in forming an 'Indian National Party', whose avowed object was 'to prepare for and accelerate the establishment of Swaraj of the Dominion type, by all peaceful and legitimate means ... with liberty to resort inside the Legislature to Responsive Co-operation.' Mahatmaji, who looked upon the formation of this Party as a challenge to the Swarajists, described it as 'a conglomerate in the first stage of geological formation.' With a view to attempting, if possible, a reunion between the Responsivists and the Swarajists proper, a meeting between them was arranged at Sabarmati on the 21st April, and it was at this meeting that the ill-fated Sabarmati Pact was passed. Before, however, the ink on the pact was barely dry, the Pact crumbled to pieces — Motilalji and Jayakar freely abusing each other in regard to the interpretation of its substance.

Lord Irwin had taken the place of Lord Reading on the

6th of April, 1926. The new Viceroy appeared to be an improvement on the old, but his entry into India synchronised with the fiercest of communal riots in the streets of Calcutta, and his first public duty was to exhort the people, in the name of Indian National life, to rescue the good name of India from the damage which the riots had done to it.

As Motilalji had come into conflict with Jayakar on the Responsivist attitude, he had also come into conflict with Lajpat Rai. Lalaji was quite certain that the Swarajist policy of walk-out was distinctly harmful to Hindu interests, and he had therefore resigned from the Congress Party in the Assembly. Motilalji, later, came into conflict with Srinivasa Iyengar, the President-designate of the Congress (at Gauhati).

The tension of warfare between Co-operation and Non-co-operation came to a head in the Gauhati Congress. As the Historian of the Congress (Pattabhi) puts it, 'Non-co-operation stood for continuous, constant and uniform obstruction. Later, it became a statement of policy to be pursued only if the Swarajists came in a majority. Gradually, it came perilously near co-operation, what with acceptance of elected seats on Legislative Committees and of nominated seats on Government of India Committees. Finally, it hovered on the borderland of co-operation at Sabarmati, where it was just fighting shy of it. The Council Party was willing to negotiate but afraid to accept. Then there was the spirit of co-operation in the Swaraj Party itself which would not straightway take up the position, say of the Nationalists, the Independents, or the Liberals, but coquet with the idea, speaking of Responsive Co-operation, honourable co-operation, co-operation if possible and obstruction if necessary, and co-operation for all that the Reforms were worth. It was these subtle but thoroughly practical questions that created the tension.'

It was in this atmosphere that the general elections took place. Madras, Bengal, Bihar and Orissa, in a striking degree, and the other Provinces, including the Punjab, to a lesser extent responded to the Congress mandate and came under the Congress discipline. U.P. fared very badly. As Motilalji put it, there it was a veritable rout of the Swarajists. He said:

"Defeat is no word for it. But this was not because they were Swarajists, but because they were Nationalists. The political programmes of the various parties had nothing to do with the elections. It was a fight between the forces of Nationalism and those of a low order of Communalism reinforced by wealth, whole-sale corruption, terrorism and falsehood. 'Religion in danger' was the cry of the opponents of the Congress, both Hindu and Muslim."

Though, on the whole, there was decided improvement in the strength of the Congress in all the Legislatures of the country, on account of the elections being contested, not by the Swarajists as Swarajists, but by all the sections of the Congress, in one respect the election results were worse than in 1923. 'In 1923 a large number of Nationalist Muslims had been elected as Swarajists, but in 1926 their places were generally taken by their reactionary co-religionists.' In the Assembly the Nationalist strength was somewhat weakened by the formation of a Responsivist bloc on one side and a Muslim bloc on the other.

In 1923, Vithalbhai had stood from Bombay and had made a present of his seat from Gujarat to Jamnadas Mehta, who originally contemplated standing for the Bombay Council from the Thana district, but was declared ineligible for it on account of his not having the requisite residential qualification. This time Vithalbhai chose his proper constituency of Gujarat, and he did not stand as a Congressman. He was keen on preserving, if possible, the English traditions of the Speaker being returned uncontested. As the Historian of the House of Commons puts it: "The Speaker's constituents not only do not go to the poll; they cannot, according to present-day usages, call on their representative to vote either for or against any measure which may be before the Parliament. ... Political organisation is suspended in the Speaker's constituency; for the present-day Speaker has no need of any local Party organisation to secure his return, even if he deemed it proper to contribute to Party funds." Attempts were made to compel Vithalbhai to accept the Congress ticket, and a candidate was put up against him. Vithalbhai, however, remained firm in his resolve to contest the seat without any Party label. In the end, the rival candidate withdrew.

Vithalbhai was returned unopposed, and thus the English convention of returning the Speaker unopposed happened to be respected.

The election of the President took place on the 20th of January, 1927. Mr. Ruthnaswamy was in the Chair. Six nomination papers were duly filled in on Vithalbhai's behalf, and no nomination papers were filled in on anybody else's behalf. The proposers were: Motilalji, Neogy, K. C. Roy, Lajpat Rai, Haji Abdoola Haroon and K. Ahmad; and the Seconders were: Rangaswami Iyengar, B. Das, Sarabhai Nemchand Haji, Jayakar, Ghulam Kadir Khan Dakhan and Haji Abdullah Haji Kasam. Ruthnaswamy declared Vithalbhai duly elected, and read the Viceroy's message signifying his approval of Vithalbhai's election. On Vithalbhai's occupying the Chair, Muddiman congratulated him on his re-election, and went on to say:

"You are entitled to a legitimate feeling of pride that you have been returned unopposed by your constituency at a general election which I have reason to believe was conducted with some acrimony. It must, Sir, be even more gratifying to you to find that you are returned to your old seat in the Chair without a single dissentient voice. If I may do so, I should like to take the opportunity of congratulating this House on what I hope may be the first of a series of happy precedents, which will in time develop into a convention, that, normally speaking, the House will re-elect its President if he offers himself for election. Sir, it is further your proud privilege to be the first President to preside over our deliberations in this magnificent chamber, which, I doubt not, as years go on, will come to be associated with the atmosphere of romantic interest that attaches to a place where great events have been transacted. ... I do not on this occasion, Sir, think it necessary to reaffirm those assurances of continual support to you, Sir, and to the Chair, that I made on the occasion of your first historic election. I am sanguine enough to think that experience and time have proved that those assurances were real by the best test — the test of work...."

Sir Walter Willson, on behalf of the non-official European members of the Assembly followed Muddiman in congratulating Vithalbhai on his unanimous re-election, and regretted that some-

RE-ELECTION

how his name was not included among either the proposers or the seconders. Among other things he said: "You have given minorities their fair share in every way. No severe cleavage, such as must necessarily happen in this House from time to time, has ever been allowed to penetrate beyond the doors of the lobby; and I am happy to think, what I have always experienced since I first became a Member of this House, that there prevails today as strongly as it ever did, the idea that, whatever our feelings and opinions may be in the House, in the lobbies outside, we remain the very best of friends."

Motilalji came next with his 'warmest congratulations'. He went on to say: "Sir, it is our pride and privilege to have given from amongst our members the first elected President of the Assembly who has won during a very brief tenure of office the fullest confidence of the House and proved to be so thoroughly acceptable to one and all as to be re-elected unopposed." But he added, in the course of his speech: "There is a lurking suspicion in my mind that we shall not like all your rulings, but let me assure you, Sir, that, whether we like them or not, we shall never be wanting in upholding the dignity of the Chair and in assisting it to the best of our abilities in the discharge of its onerous duties." Lalaji associated himself 'fully and unreservedly with all the remarks' that had fallen from the other speakers who had spoken in his honour.

Jinnah too joined in the congratulations, and said: "Sir, when you stood as a candidate for the first time for election to this Chair, there were certain people in this House, (himself being one of them) who had apprehensions as to what you would exactly do when you occupied this exalted Chair; and if you remember, Sir, I said on that occasion: 'You are elected by *the majority* of the votes of this House. You are now on your trial, and I hope that you will maintain the dignity and the traditions of the Chair.' That, Sir, was in August, 1925. Since then I, as a member of this House, have watched you as the presiding genius of this House and although I have, if I may say so, watched you very critically, and judged you very strictly, standing today on the floor of the House, I feel that you deserve the unanimous re-election which has taken place in your case

and which has again brought you back to this Chair. Sir, it is a signal mark of approval and appreciation of your conduct in the Chair during the last term that you occupied the position. A greater compliment cannot be paid to any member of this House than that he should be asked unanimously to preside over its deliberations. Judging by the past and the way in which you have conducted the deliberations and the business of this House, I have no doubt that you will maintain the dignity of this great office, that you will always be fearless and independent and treat every section of the House with absolute fairness, justice and impartiality."

Vithalbhair, in his reply, expressed his grateful acknowledgments and sincere thanks for the honour that was done to him, and added: "From the brief experience that I had as the occupant of this Chair I have found, as I stated when I was addressing you last, that any one who aspires to fill this great office with any hope of success must lay aside all that is personal, all that savours of political predilection, and learn to subordinate everything to the great interest of the House as a whole. Not that it is possible for any one to divest himself so completely of the influence of his political associations and the teachings of a life-time. He may have his political opinions; he may retain them. He may have his prejudices; but in his general decisions and in his treatment of individual members no trace of them should find any place. I do not know whether I have in the past lived up to that ideal, nor can I say whether it would be possible for me to live up to that ideal in the future. All I can promise is that I shall ever endeavour to the best of my capacity to regulate my conduct in the Chair on the lines which I have just indicated."

At the end of this speech, Muddiman and the other members of the Assembly shook hands with Vithalbhair, and then the Assembly adjourned 'till eleven of the clock on Friday, the 21st of January, 1927.'

Chapter Twenty-Nine

EUROPEAN TRIP — BEFORE AND AFTER

VITHALBHAI'S re-election to the Presidential Chair took place on the 20th of January 1927. On the 21st, Pandit Motilal Nehru moved the adjournment of the House 'on a definite matter of urgent public importance.' The motion called attention to the conduct of Government in preventing Mr. Satyendra Chandra Mitra from attending to his duties as a member of the Assembly, thereby seriously infringing the privileges of the Assembly and depriving the constituency which elected him of its right to be represented in that House. Motilalji did not raise the question of the release of Mitra and others of his class, or of the repeal or amendment of the Law under which they were detained. In the eyes of Motilalji and his supporters Mitra's detention was 'a very serious encroachment on the privileges of this House and on the right not only of the member himself but of the constituency which has unanimously elected him.'

The facts of the case were: Mitra was an elected member of the Bengal Legislative Council when he was arrested under the Bengal Ordinance No. 1 of 1925 and Regulation III of 1818. When, later, the Bengal Criminal Law Amendment Act was passed, he was detained under that Act. During his detention, the Governor of Bengal, taking advantage of the rule which gave him the power to direct that a seat became vacant for the reason that a member had not been able to attend to his duties for two consecutive months, declared Mitra's seat to be vacant. In course of time the general elections came round, and Mitra was returned unopposed to the Assembly. He was gazetted 'as a duly and properly elected member of the Assembly.' Further he received a summons from His Excellency the Governor-General to attend the Assembly, and also another summons 'to attend and hear his inaugural address on the 24th. There-

upon he applied to his Custodians for the opportunity being given to him to accept these invitations, but the permission asked for by him was not granted.

Motilalji *could have understood* Government's making Mitra's detention, under the Bengal Criminal Law Amendment Act, a disqualification for his seeking the election he sought, but as they had not done so, and as they had not had the courage to put him on trial, they could not but allow him to attend the meetings of the Assembly. In support of his view Motilalji quoted 'the law as crystallised in Halsbury's Laws of England.'

'Whilst Parliament is sitting, and during the time within which the privilege of Parliament extends, no peer or member of the House of Commons may be imprisoned or restrained without the order or sentence of the House of Lords or the Commons as the case may be, unless it be for treason or felony, or for refusing to give security for peace.'

Motilalji agreed that the Assembly was not Parliament, and bore no comparison to Parliament, but maintained that, so long as it was allowed to retain the merest pretence of what it was alleged to be, it was the inherent right of every member of a representative institution to be present at its meetings to represent his constituents.

Motilalji also contended that Section 11 of the Act under which Mitra was detained treated the case as that of a suspect and *not a criminal*.

Muddiman reminded Motilalji of the legal dogma that 'he who pleades privilege must prove the privilege'; and tried to convince the Assembly (1) that there was no such privilege as was claimed, in so far as the Assembly was concerned, and (2) that, even if the Assembly had the full privileges of the House of Commons, there would have been no breach of privilege in this case.

The adjournment motion was passed with 64 Ayes and 46 Noes. The mere passing of the adjournment motion did not mean much, and Vithalbhai was determined to see the matter through. He, therefore, on the 4th of February, asked the Secretary of the Council to send a copy of Mitra's petition, dated the 21st of January, but received by him (now in the present wri-

ter's possession) on the 1st of February, to the Private Secretary to His Excellency for His Excellency's information. Vithalbhai's letter to the Secretary of the Council and Mitra's petition to Vithalbhai are quoted below in full:

VITHALBHAI'S LETTER

Urgent.

Secretary

I think a copy of this petition should be sent to the Private Secretary for His Excellency's information and I will discuss this question with him during my interview.

Also a copy should be sent to each member of the Assembly for their information. I should like to know whether Mr. Mitra had submitted a petition in October last to the Governor-General and what action was taken on it.

Will you also get a statement prepared showing how the law on the subject stands in England and how far it applies to India.

Please treat this as urgent.

4-2.

(Sd) V.J.P.

* * * *

MITRA'S LETTER TO VITHALBHAI

Censored and passed.

(Sd) Illegible.

1-2-27.

for D.I.G.

I.B., C.I.D.

Bengal.

To

The Hon'ble Vithalbhai Javerbhai Patel,
President, Legislative Assembly,
Delhi.

Sir,

I am an elected member of the Legislative Assembly from the Chittagong and Rajshahi Divisions (non-Muhammadan) Consti-

tuency. I have been duly summoned to attend the meetings of the Assembly by His Excellency the Governor-General, but I am at present detained in the Mandalay Jail under the Bengal Criminal Law Amendment Act, 1925, without any conviction for any offence by any Court of Law. I petitioned to His Excellency the Governor-General for facilities to attend the meetings of the Assembly on the 22nd of October 1926, but I understand that the Secretary-in-charge did not consider the matter of sufficient importance to be placed before His Excellency, and merely sent back my petition to the Government of Burma for disposal. The Government of Burma, in their wisdom, decided that I should not be allowed to attend the meetings of the Legislative Assembly so long as I was kept under restraint under the Bengal Criminal Law Amendment Act — though they had no jurisdiction to pass any such order.

I claim the inherent right of a member of the Legislature of freedom from detention during the Sessions of the Legislature, and following the well-known lines of argument of Lord Shelbourne and Sir George Savile in the British Parliament, on the occasion of the famous Middlesex Election of 1768, I maintain that my forcible detention in jail invalidates all the proceedings of the Legislative Assembly.

The Parliamentary privileges are the 'ancient and undoubted birthright and inheritance of the Subjects of England.' The object of the privileges was to secure the safe arrival and departure and the regular attendance of the members at the scene of their parliamentary duties. Long before Specific Enactments were passed the privileges were claimed and recognised. Subsequent Acts of Parliament merely codified the ancient rights that dated back to the times of King Ethelbert in the sixth century. It was formally recognised by King Henry IV in 1408; in 1433, a statute gave sanction to this privilege; in 1533, this privilege was invaded in Thorpe's case, but finally not only was the privilege recognised but it was further settled that the 'Courts of Law could not measure the privileges of Parliament, these being matters which could only be determined by Parliament itself.' In 1543 in the important case of George Ferrers, the Commons acted independently of any power by not applying to

the Lord Chancellor for a writ of Privilege and sent their Serjeant to demand the release of the imprisoned member. The demand being resisted by the Sheriffs, they were charged for contempt and misdemeanour by the Speaker in the House of Commons and were committed to the Tower of London.

The matter being brought to the notice of King Henry VIII, His Majesty immediately called before him the Chancellor of England, and his judges, with the Speaker of Parliament and other important personages of the Commons and commended their wisdom in upholding the privileges of the members of the Commons. It was after the case of Sir Thomas Shirley (1603) that the privilege of freedom from arrest and detention was secured by a distinct legislative enactment. India is 'an integral part of the British Empire.' British Parliament is the last and permanent authority in Indian Legislation. Any Acts of the Indian Legislature that go contrary to, or are repugnant to, any Parliamentary statute are null and void. 'The responsibility for the welfare and advancement of the Indian people lie on the British Parliament.' So I maintain that the inherent privileges of mine as a member of the Assembly of freedom from detention during the Session of the Assembly is automatically vested in me by virtue of the Parliamentary Privileges and Parliamentary Statutes.

The members of the Legislatures of the Dominions throughout the British Empire are also entitled to privileges practically identical with those of the members of the House of Commons. In the case of the Commonwealth of Australia, for instance, the 'privileges of Parliament are to be such as are appointed by Parliament by legislation; until then, they are to be those which are enjoyed by the Imperial House of Commons.' As the Government of India Act, 1919, is to be interpreted in the light — and in keeping with the spirit — of the British Constitution, it stands to reason that members of Legislature in British India are also entitled to those privileges, whether there be any specific mention to that effect in the Government of India Act or not.

It is likely to be urged that under the British Constitution the privilege of immunity from arrest and detention and molestation does not extend to those guilty of treason, felony and breach

of peace (33, 34 Vict. Clause 23, Section 21). My reply is that I have not been convicted nor charged before any Court of Law for any of these crimes. It may again be contended that, as I was arrested long before I became a member of the Legislative Assembly and my constituency, before electing me, knew that they were considering the claims of a detenu, there is no force in my demand for release. My answer is that it is immaterial when I was first arrested, my constituency had every right to elect any one who was not disqualified by the Statute, and the moment I became a member of the Legislative Assembly the rights and privileges of members accrued to me. Consequently with the commencement of the privileged period, the right of immunity from arrest, detention and molestation has automatically vested in me. It would not be out of place to mention here that Sir Thomas Shirley was arrested in 1603, before Parliament met, nevertheless he had to be released as the House refused to proceed to business until the member was not set at liberty.

I confess I am unable to understand how the Legislative Assembly could transact business on the 20th of January and onwards, when one constituency (viz. the Chittagong and Rajshahi Divisions, non-Muhammadan) was unrepresented owing to detention in custody of its lawful representative. The number of members of the Assembly is fixed by Statute; and sub-section (2) of Section 63 B of the Government of India Act, 1919, expressly states that 'the total number of members of the Legislative Assembly shall be one hundred and forty.' I venture to think that this provision of the Government of India Act cannot be strictly honestly observed if the Executive officers of a Local Government forcibly prevent a lawful representative from attending the Legislative Assembly by detaining him in custody. It is clear that the effect of such forcible prevention is to nullify the real purpose and intention of the Statute as quoted above. If such encroachment on the rights and privileges of the Legislature is allowed to pass unchallenged, I do not know if the Executive in future will not feel encouraged to go a step further and refuse to notify election in constituencies where the anti-Government Party will be likely to come out successful.

You are aware, Sir, of the long and bitter fight that the British House of Commons had to pass through before it could secure recognition of the Parliamentary privileges of its members. But the Legislatures of the Dominions have been able to secure similar privileges without any such struggle. It is for the future to show whether the Parliamentary history of Britain or that of the Dominions will be followed in India; but it seems that the wisdom of centuries has been lost on the British bureaucracy in India. It now devolves on you to fight for and secure the inherent privilege of a member of the Legislature in the teeth of bureaucratic opposition. I claim that not only should I be released forthwith but that the Executive officers of the Government who have prevented my complying with the summons issued by His Excellency the Governor-General by detaining me in custody during this period should also be made liable before the bar of the Legislative Assembly. Producing the summons under Sub-Section (2) of Section 63-B and order under Sub-Section (3) of Section 63-B of the Government of India Act, issued by order of the Governor-General for my attendance in the Assembly, I demanded, of the Superintendent, Mandalay Jail (for?) my immediate release to enable me to attend the meetings of the Assembly and also to comply with His Excellency's order, but the Superintendent replied that he would release me only on receipt of instructions and release of warrant from the Government of Bengal.

The three main constituents of a democratic state, viz., Legislative, Judiciary and Executive, though inter-related should so function that no department may encroach upon or tyrannise over any other, and it was with this purpose that provision for an elected President of the Assembly was made in the Statute. The elected President will zealously (jealously?) safeguard the rights and privileges of the Legislature and of its members. Now if the Executive, of their own free will, lock up members of the Legislature, during the Session of that body, they can control the entire course of legislation in the country. For the Executive to usurp judicial or quasi-judicial functions by ordering imprisonment, without trial by a Court of Justice, for an indefinite period is bad enough; but when arrested persons who happen to be members of

the Legislature are not even permitted to take part in the deliberations of those bodies, the situation becomes intolerable. In these circumstances can any reasonable man resist the conclusion that the real object of the Executive is also to strike a blow at the Legislature? And, Sir, what is there to prevent the Executive from detaining in custody a large number of members of the Assembly belonging to the opposition in order that it may be possible to have unpopular legislation passed by a rump Legislature? If the present anomalous position be not immediately righted, a most obnoxious precedent will be set up, which will be a standing menace to the constitutional liberties of the people.

Even if it be assumed that under the Bengal Criminal Law Amendment Act, the Executive have the legal right to arrest and detain whomsoever they please, it does not follow that they are empowered to forcibly detain a member of the Assembly during a Session of that body. Only by an Act of the Legislature can the privileges of members be forfeited. It was decided in the case of Thomas Thorpe M.P. that 'the Courts of Law could not measure the privileges of Parliament, these being matters which could only be determined by Parliament itself.' If that verdict is right, much more is it true that the privileges of members of the Legislature cannot be determined by the Executive officers of the Crown.

I feel very strongly that it is for the Legislative Assembly and for no other individual or body, to declare whether I am, for political reasons, to be debarred from taking part in the deliberations of that body. It is open to the House to take disciplinary action against me if they feel so inclined. I would prefer an order of expulsion by the Legislative Assembly, as in the case of John Wilkes M.P. in 1769 — to being prevented from attending the Assembly by an arbitrary order of the Executive, provided the privileges of members of the Legislature are once for all recognised by the Government.

It is not for me to say what steps the Legislative Assembly should take in order to resist this invasion of its rights and privileges; but I have not a shadow of doubt that the House will be within its rights to take steps which will compel the bureaucracy to give due recognition to the rights and privileges of

members. It is for the members to decide whether following the glorious example of the British House of Commons, they should refuse to vote any supplies or refuse to do any business at all. And it is for you, Sir, as the custodian of the rights and privileges of the Assembly to decide whether in this emergency, failing any other remedy, you should bring pressure to bear on Government by adjourning the House either *sine die*, or repeatedly, till the wrong is righted and due amends are made.

I applied to His Excellency the Viceroy and Governor-General for permission to attend the meetings of the Legislative Assembly as early as the 22nd of October, 1926. His Excellency, as the Governor-General of India, is not only the head of the Executive but is also an important constituent of the Legislature; and further, as the Viceroy and Representative of the King-Emperor, His Excellency is charged with the duty of holding the balance even(ly) between the component parts of the Indian State. An over-zealous member of the Imperial Secretariat thought my petition to be of no importance and did not place it before His Excellency. I am hopeful that, if the question of privilege had been brought to His Excellency's notice, I would have obtained redress and the great wrong would have been righted, but I have no means of approaching (His Excellency?), and all petitions addressed to His Excellency are merely sent back to local Government for disposal. In this connection I might refer to the attitude taken up by King Henry VIII, when he was advertised of all the proceedings in George Ferrer's case. His Majesty said: "We at no time stand so highly in our Estate Royal, as in the time of Parliament, wherein we, as head and you as members, are conjoined and knit together into one body politic, so as whatsoever offence or injury (during that time) is offered to the meanest member of the House, is to be judged as done against our person, and the whole court of Parliament, which prerogative of the Court is so great (as our learned counsel informeth us) as all acts and processes coming out of any other inferior courts must for the time cease, and give place to the highest....". Lord Chief Justice of England, Sir Edward Montacute, very gravely told his opinion, confirming by diverse reasons all that the King had said.

In conclusion, I hope that the members of the Legislative Assembly will realise the gravity of the issue — its bearings and consequences and adopt all possible means within their power to vindicate their rights and privileges, and I hope that you, Sir, following the noble and inspiring examples of so many illustrious Speakers of the House of Commons will take the lead in what I consider to be an episode in the great fight for constitutional liberty.

With the lapse of time and the vicissitudes of the future, persons and events will be relegated to oblivion, but India's History will for ever enshrine the memory of one under whose wise and able guidance the Legislative Assembly of India, in the crisis of 1927, will rise to the height of the occasion and successfully vindicate the cause of constitutional liberty.

I have the honour to be,

Sir,

Your most obedient Servant,
(Sd) Satyendra Chandra Mitra.

Mandalay (Burma)

The Twenty-first of January 1927.

In accordance with the instructions of Vithalbhai, Graham, the Secretary of the Council, sent a copy of Mitra's petition to His Excellency. He also sent to him a copy of the note, which he prepared for Vithalbhai, on the constitutional position in England and in British India. But he did not circulate copies of Mitra's petition to the members of the Assembly, 'pending', as he says in his note (quoted below), 'PLA's interview with His Excellency.' In the meantime, on the 1st of February, to Gaya Prasad Singh's question: (b) Has this gentleman (Mitra) applied to the Government to give him reasonable facilities to take the oath of allegiance to the Crown, and will he be permitted to do so?

Graham had replied:

(b) No such application had been received by the Government of India.

On the 7th of February, while replying to a question by Kumar Ganganand Sinha *re* taking of the oath by Mitra, Graham

corrected this 'misstatement' of his, and admitted that such a petition was received by the Government of India on the 5th November 1926. He further added that the Government of India had sent it to the Government of Bengal for disposal on the 24th of November 1926.

Mitra's letter to Vithalbhai, dated, the 25th of February, 1927, the enclosure to that letter, dated the 20th of October, 1926, Graham's note about what he had done in obedience to Vithalbhai, dated the 6th of February, 1927, Vithalbhai's instructions thereon, dated the 13th of February, 1927, draft letters, dated the 22nd of February to Whitley and to Mitra, and Whitley's reply to Vithalbhai, dated the 15th of March, 1927 (all in the present writer's possession, are quoted below *in extenso*, and seriatim, as they throw full light on this whole episode and show the part which Vithalbhai played in it. Anything like an elaborate comment on all this material is obviously unnecessary.

MITRA'S LETTER:

To

The Hon'ble The President of the Legislative Assembly,
Delhi.

Sir,

I have the honour to draw your attention to the answer given by Mr. L. Graham to starred question No. 223(b) of Mr. Gaya Prasad Singh, which appears at Page 348 of Legislative Assembly Debates Vol. IX — No. 9. The statement is not true. I applied to His Excellency the Governor-General in Council as early as the 20th of October 1926, to make the oath of allegiance to the Crown. I beg to send herewith a copy of my petition for your perusal. I have been informed by the Inspector-General of Prisons, Burma, that my petition had been forwarded on the 29th of October, 1926. Lately, I have again been informed by the Inspector-General of Prisons, Burma, that he has been asked (told?) by the Deputy Secretary to the Government of Burma by his letter dated the 20th of December 1926, that my petition has been sent to them by the Government of India for disposal. So there cannot be any doubt that my petition to His Excellency the Governor-General

VITHALBHAI PATEL

of India in Council did reach the Government of India. I hope you will kindly see that these facts may be (are) brought to the notice of Mr. L. Graham and Mr. G. Singh, and I am sure you will take steps to remove the wrong impression made on the House by the said misleading statement.

I have the honour to be, Sir,
Your most obedient servant,
(Sd.) S. C. Mitra
The 25th February, 1927.
Mandalay.

ENCL. TO THE ABOVE:

Censored and passed.
(Sd.) illegible
5—3—27
for D. I. G.
I. B., C. I. D.

To

His Excellency the Governor General of India in Council,
Delhi.

May it please your Excellency,

I have the honour to state that I have been elected a member of the Indian Legislative Assembly, but I am a detenu confined in Mandalay Jail, Burma, under Sec. 11 of the Bengal Criminal Law Amendment Act, 1925. I take the earliest opportunity to bring to your Excellency's notice the fact that I am anxious to take the oath of allegiance to the Crown as contemplated by Section 24 of the Legislative Assembly Electoral Rules and also attend the Assembly meetings and to take part in its deliberations as a member.

It would not be altogether out of place to mention that detenus under the Bengal Criminal Law Amendment Act, 1925 *are allowed* occasional leave of absence from Jail to conduct their civil suits, to appear for University Examinations, to attend *Sradh* or marriage ceremonies, to attend on their sick relations, and to

look after their family affairs. I was also allowed, when I was detained in a Calcutta Jail, to consult my eye-surgeon in his private residence.

I therefore pray that Your Excellency may be pleased to grant me the most fundamental and legitimate right of a subject to swear allegiance to his Sovereign, and that I may be allowed to attend the inaugural meeting of the freshly elected Indian Legislative Assembly to be held for the first time in the newly built Imperial city, which will be a unique event in the history of the Indian Empire. I am taking this liberty of appealing to Your Excellency as the highest authority in the land at least so far as matters of internal administration are concerned.

I have the honour to be,
Your Excellency's most obedient servant,
(Sd.) S. C. Mitra
The 20th October 1926
Mandalay.

GRAHAM'S MINUTE

1. A copy of the petition is being sent to H. E. and also a copy of the note on the constitutional position both in England and in British India.

2. I am stating in the House tomorrow in reply to a question that Mr. Mitra's petition received by the Government of India in November was sent to the Government of Bengal for disposal. This fact was not known to me when I replied to Mr. Gaya Prasad's question the other day. In fact, I was informed by the Dept. concerned that no such petition had been received.

3. I have not suggested an answer as I do not know what view P.L.A. will take of the note on the constitutional position. Perhaps P.L.A. will let me know what he proposes to do after he has had his interview with H.E.

4. Pending P.L.A.'s interview with H.E. I have not taken steps to circulate copies of the petition to members of the Assembly.

P.L.A. (Sd.) L. Graham

6th February 1927.

VITHALBHAI PATEL

VIITHALBHAI'S INSTRUCTIONS

I have fully discussed this question with H. E. during my interview. The result of our consultation was that I should write a reply to Mr. Mitra telling him that I have been doing my best in connection with his petition, and that on the question raised by him in his petition, I have my own views, but before I take any action on them I have decided to take the advice of the Speaker of the House of Commons to whom I have sent a copy of his petition. I should also address a letter to the Speaker of the House of Commons, (and send to him) along with (it) a copy of Mr. Mitra's petition and request him to advise me what action I can take under the circumstances.

Will the Secretary put up two draft letters accordingly?

13/2

(Sd.) V. J. Patel

DRAFT LETTERS

Dated 22-2-1927.

To

Rt. Hon. J. H. Whitley, M.P.,
The Speaker,
House of Commons,
London, S.W.1.

Dear Mr. Speaker,

You will, I trust, pardon the presumption of one of (the more junior of) your colleagues in requesting your advice on a matter which is giving him the greatest concern. You may already be aware that Mr. Satyendra Chandra Mitra was elected to the Legislative Assembly at a time when he was under detention in prison under a warrant issued in execution of the provisions of Section 11 of the Bengal Criminal Law Amendment Act, 1925, of which Act I attach a copy. In accordance with the procedure of that Act, Mr. Mitra is detained in custody without trial during the pleasure of the Local Government, subject to the provision that the order shall be renewed by the Local Government at the

end of one year from the date of the making of the order, and shall not remain in force more than one year, unless by such renewal the Local Government directs its continuance. I have been addressed by Mr. Mitra in a letter of which I attach a copy. In that letter he claims the right to attend the Session of the Legislative Assembly and he calls upon me to take the necessary steps to procure his release. As President of the Legislative Assembly, I am on the one hand more than anxious to do anything which can be (is) possible to secure the attendance of Mr. Mitra; on the other hand I am equally anxious not to take any false step, the taking of which may bring discredit not only upon myself but upon the office which I have the honour to hold. I have been advised that I have no *locus standi*, because Mr. Mitra is lawfully held under a statutory order. I have also been advised that Mr. Mitra is not entitled to claim any of the privileges enjoyed by a member of the British Parliament except in so far as those privileges have been conferred upon him either by the Government of India Act or by an Act of the Indian Legislature. I have further been advised that, even if Mr. Mitra were an elected member of the British Parliament, the privilege which he claims would not be recognised. While not wishing to convey the suggestion that I have any suspicion that I have not been advised to the best of the ability of my local advisers, I at the same time feel that the matter is one of such supreme importance that I should have recourse to the highest authority on the subject. In particular, with reference to the advice given to me, a copy of which I attach, I would request to be informed whether in the case of Joseph McBride and the other cases under the same Act in 1921 any action was taken by the Speaker to secure the release of members of Parliament, the report of whose arrest was made to him in pursuance of the provisions of the Restoration of Order in Ireland Act, 1920. If, Sir, you can assist me in this matter, you will secure not only my personal gratitude but that of the Legislative Assembly.

I am,

Sir,

Yours faithfully,

Dated, 22nd February, 1927.

V I T H A L B H A I P A T E L

To

Satyendra Chandra Mitra, Esq., M.L.A.,
Mandalay, (BURMA).

Dear Mr. Mitra,

I have been earnestly considering the contents of your letter of the 21st of January, 1927, on the subject of your being put in a position to attend the meetings of the Legislative Assembly, and desire to assure you that I shall do all that is open to me to do in the matter under the Constitution. I feel however it is most essential, as I am sure you will agree, that I should take no false step in dealing with the case, and I am accordingly seeking the advice of the Speaker of the House of Commons.

Yours sincerely,

* * * *

SPEAKER, HOUSE OF COMMONS

15th of March, 1927.

Dear Mr. President,

I have received your letter of the 21st February 1927, which raises an interesting question, but I do not think I need trouble you with a lengthy reply.

Two questions would seem to be involved, one of law, and one of procedure.

The assertion of it's(?) privileges is a matter for the House, and not for the Speaker, but the Speaker has to take care that a member who seeks to raise a question of privilege, has a *prima facie* case in order that he may be justified in giving it precedence over the appointed business of the sitting.

Privilege from freedom from arrest has never in the House of Commons been held to extend to *criminal offences* or *breaches of the peace*, and it was this principle that I followed on the 27th of November, 1922, in declining to allow a member to raise as a question of privilege the internment of a Member by the Government of Northern Ireland under the powers of the Criminal Law for the punishment of crime or the maintenance of order. (159 House of Commons Debates, 5th series, column 290).

It is important to notice that the privileges of members of the House of Commons are not extended by the Government of India Act to the members of the Indian Legislatures, as they were by Section 18 (1) of the Government of Ireland Act 1920, to the members of the Parliaments set up by that Act.

It would seem from the submission of the authorities, *though I hesitate to discuss a purely legal point*, that such privileges as freedom from arrest, do not extend to a legislative body unless they are specifically applied by the Act creating that body or by subsequent legislation, a view that is supported by Section 67 of the Government of India Act, which confers freedom of speech upon the Indian Legislature.

Believe me, Mr. President, with cordial greetings.

Yours faithfully,

(Sd) J. H. Whitley,

Speaker.

This is where the matter stood at the end of March 1927. Vithalbhai was sure that it merited further and closer consideration. This matter, by itself, would have been enough for Vithalbhai to make up his mind to go to England to see for himself whether the members of the Indian Legislature could claim any privileges, and if so, what. There happened to be other reasons, also, however, why he thought that a trip, at this time, to Europe was more than desirable.

On the 24th of January, 1927, the Viceroy addressed the Assembly. In the course of his address, the Viceroy had said: "His Majesty's Government have reluctantly decided that it is their duty to send reinforcements to China to protect the lives of those for whose safety they are responsible. Having regard to the fact *that India is the nearest part of the Empire in which forces are available for immediate despatch*, the Government of India have agreed to co-operate in this purely defensive action, by contributing a contingent, including Indian troops." (On this analogy, we can easily see, that, if India had been a part of the British Empire today, our troops would have been in Korea, long since).

On the 25th, the Assembly opened with the following announcement by the President (Vithalbhai):

"I have received the following notice of motion for adjournment of the House from Mr. Srinivasa Iyengar:

'I give notice that I shall move the adjournment of the House tomorrow (25th of January) to consider a matter of urgent importance:

'The action of the Government of India in agreeing to contribute a contingent, including Indian troops, to take part in the military operations in China.' "

Vithalbhai said that if the object of the mover was to call into question the foreign policy of the British Government, or of the Government of India, the motion was clearly out of order. He therefore wanted to know what point the mover actually intended to raise by his motion.

Iyengar replied that the object of the motion was to discuss the question whether the Government of India was entitled to, or should send, Indian troops to China *without consulting the Indian Legislature*.

Vithalbhai then asked if, in view of the narrow issue the mover proposed to raise, Government had any objection.

Muddiman said that he must object, because it was impossible to discuss the question of sending troops to China without an explanation of why troops were being sent to China, and that would involve a discussion 'which cannot fail to affect our relation — not only the relation of this Government but of the British Government — with many other foreign powers', and that a discussion of that kind would lead to the most disastrous results. Vithalbhai said that he had no power to disallow the motion on the ground that it cannot be moved without detriment to public interest — *that power was vested in the Governor-General*. As regards the other contention that Members would not exercise sufficient restraint and might criticize the foreign policy in their speeches, he said that he would see that the discussion was 'restricted to the one issue and one issue alone, namely, the action of the Government of India in agreeing to send Indian troops without reference to this Assembly.' Taking this view of the case, Vithalbhai ruled that the motion, restricted as it was on a single narrow issue, was in order, and asked whether the mover had the leave of the House to move the

adjournment. Muddiman opposed it. Vithalbhai therefore requested those who were in favour of leave being granted to rise in their places. As more than 25 members rose in their places, Vithalbhai intimated that leave was granted, and that the motion would be taken up at 4 p.m. that day for discussion, 'unless, in the meantime, His Excellency the Governor-General otherwise directs.'

Just before lunch time, a communication came from the Viceroy that he disallowed the motion, 'on the ground that it cannot be moved without detriment to public interest.'

As a result of this order, Vithalbhai intimated to the House that no discussion of that motion would take place.

On the 2nd of February, Kunzru wanted to move an adjournment to discuss the decision of the Government of India not to publish the Report of the Indian Deputation to Fiji. Vithalbhai ruled that, though the matter was of definite public importance, it was not a matter of *urgent* public importance, that it could be discussed by means of a Resolution, and that, therefore, the motion for adjournment was not in order.

Between the 21st of January and the 21st of February there were no less than five adjournment motions, and between the 21st of January and the 28th of March Vithalbhai was called upon to give no less than 24 Rulings, apart from the remarks which he had to make, off and on, which bordered on being Rulings. Once he had to give a casting vote.

These were the matters which led Vithalbhai to think that it would be extremely desirable for him to get, if possible, some first hand knowledge of Parliamentary procedure, and particularly the way in which affairs were conducted in the British House of Commons and the House of Lords. A letter from Whitley, then the Speaker of the House of Commons (now in the present writer's possession), dated the 15th of March, and quoted below, shows that long before the Delhi sitting of the First Session of the Third Assembly was over, Vithalbhai was contemplating a voyage to England. Whitley's letter is as under:

V I T H A L B H A I P A T E L

15th March, 1927.

Dear Mr. President,

Lord Winterton tells me that there is a possibility of your paying a visit to England in the near future.

Allow me to say that I welcome the idea very warmly. I should count it a privilege to give you every facility to attend the debates in the House of Commons, and to discuss with you questions of procedure, which are of common interest.

Believe me,

Yours cordially,
(Sd) J. H. Whitley,
Speaker.

On the 24th of March, Cunningham wrote the following letter to Vithalbhai:

Viceregal Lodge,
Delhi.
24th of March, 1927.

Dear Mr. Patel,

His Excellency desires me to send you a list of people in England to whom he has written informing them of your visit. He has also told the Secretary of State that you are anxious if possible, to have an audience of His Majesty the King.

Yours sincerely,
(Sd) G. Cunningham.

P.S. I send you my best wishes for a pleasant journey and safe return.

(Sd) G.C.

The Hon'ble

Mr. V. J. Patel.

*POLITICAL PERSONS TO WHOM H.E. THE VICEROY HAS
MENTIONED MR. PATEL'S VISIT TO LONDON.*

The Rt. Hon. Stanley Baldwin,
Prime Minister,
10, Downing Street, S.W.1.

- The Rt. Hon. The Earl of Birkenhead,
 Secretary of State for India,
 India Office, S.W.1.
- The Rt. Hon. Viscount Cecil,
 Chancellor of the Duchy of Lancaster,
 39, Grosvenor Square, W.
- The Rt. Hon. Sir Samuel Hoare, Kt., C.M.G.,
 Secretary of State for Air,
 Air Ministry, S.W.
- The Marquess of Salisbury, K.G. G.C.V.O.
 21, Arlington Street, S.W.1.
- Geoffrey Dawson, Esquire,
 Editor of "The Times",
 "The Times" Office,
 Printing House, Square, E.C. 4.
- Sir Harry Brittain, K.B.E., M.P.,
 House of Commons, S.W.1.
- Major J. W. Hills, M.P.,
 House of Commons, S.W.1.
- Arthur Mann, Esquire,
 Editor of the "Yorkshire Post",
 c/o 171, Fleet St., E.C.4.
- The Hon. W. Ormsby-Gore, M.P.,
 Under Secretary of State for the Colonies,
 Colonial Office, S.W.1.

*OTHER PERSONS TO WHOM H.E. THE VICEROY HAS
 MENTIONED MR. PATEL'S VISIT TO LONDON.*

- The Countess of Cromer,
 36, Wimpole St. W.1.
- Lady Violet Astor, *Daughters of the*
 18, Carlton House, Terrace, S.W.1. *late Earl of Minto:*
- The Marchioness of Titchfield,
 16, Portman Square, W.
- The Hon. Mrs. Lane-Fox,
 88, Eaton Square, S.W.

Mrs. Ralph Glyn,
55, Seymour St., W.I.

* * * *

Lord Irwin was particularly pleased to find that Vithalbhai had decided to utilise his vacation for the study of the working of Parliamentary institutions and associations in Great Britain and Ireland, and he gave him all the help he could in furtherance of that object.

When Vithalbhai arrived in London, he was greeted very cordially by J. H. Whitely, the Speaker of the House of Commons, Lord Halifax, the father of Lord Irwin, and several other prominent persons. All of them accorded him a warm welcome and were anxious not only to make his stay comfortable but also to secure for him all the facilities necessary for the fulfilment of the objects of his visit.

Vithalbhai spent most of his time, in London, at the National Liberal Club, of which he became a member, on the 5th of April 1927, and where a room was reserved for him. Soon enough the Club became a rendezvous for Indian and British politicians, statesmen and journalists. H. S. L. Polak, George Lansbury, Holford Knight, Joshia Wedgewood, J. M. Parekh, Major D. Graham Pole of the British Committee on Indian affairs, Pethick-Lawrence, Fenner Brockway of the Independent Labour Party and Mr. Saklatwala, were his old friends, and they were delighted to call on him at the Club more than once. H. S. Lawrence, an ex-acting Governor of Bombay, who knew Vithalbhai from the time of the Old Bombay Legislative Council days, as a promising legislator, and for whom he had developed high regard and esteem, regularly visited the Club, and made it a point to spend some time with him whenever he could. Stanley Reed, then the Editor of the *Times of India* who was at that time in London and Atul Chatterjee, then the High Commissioner for India, paid fairly frequent visits to him. All these old friends were delighted to renew their contact with him and extended invitations to him either for lunches or dinners during his stay in

London; for it was in this way that they could get an opportunity to exchange views with him on Indian affairs as these affairs stood at the time.

Prominent among the British politicians and Parliamentarians who invited him, at one time or another, to lunch or dinner with a view to an exchange of views with him on the political problems of India were: Whitley, the Speaker of the House of Commons, Lord Winterton, George R. Lane-Fox, Sir Frederick Whyte, Lord and Lady Astor, Lord and Lady Salisbury, W. H. Rutherford, Stanley Rice of the East Indian Association, Birkenhead and Baldwin.

The Indian Association Club, the Anglo-Indian Temperance Association, the Royal Institute of National Affairs, the Union Society of Cambridge, the British Committee on Indian Affairs, the Royal Institute of National Affairs, the National Indian Association, the British Indian Union, the East Indian Association, the 1900 Club (Empire Parliamentary Association) and the Indian Students' Union and Hostel of Gower Street, were some of the prominent associations which invited him for the discussion of Indian affairs, and for the purpose of ascertaining his views on the political problems of India, which, so far as they could see, were, at the time, enveloped in a mist of uncertainty and doubt. It was a tremendously difficult task for Vithalbhai to accept all these invitations during his brief stay in London, but Vithalbhai looked upon them as an opportunity to serve the cause of India inasmuch as he was a confirmed believer in the necessity of publicity for Indian affairs in England, and because he was keen on utilising all available opportunities to enlighten British public opinion and to acquaint it with Indian conditions and the Indian view-point as understood by an educated Indian. Mr. H. M. Patel, the present Secretary to the Government of India, who was then studying for the I.C.S. and was President of the 'Patel Students in London' had invited Vithalbhai on their behalf to a dinner at Hotel Cecil, on the 30th of April 1927. In his characteristic way, while appreciating the zeal and enthusiasm of his young friends to meet him, Vithalbhai chided them politely, and expressed his displeasure at the fact that even in London, 6,000 miles away from the home coun-

try, they were not able to rise above considerations of community. That was not, he said, what he expected of young India, if they were to exist as a nation.

While Vithalbhai was busy meeting his friends and other politicians in London, Lord Birkenhead, the Secretary of State, as was known subsequently, had not taken any official notice of his presence in London on the ground that he had failed to call on him first. It was after a considerable time, and due to intervention from unexpected quarters that he received an invitation from Lord Birkenhead to meet him at the India Office.

On the 9th of May, 1927, Vithalbhai received a communication from His Majesty, the King, intimating to him that he would be pleased to grant him an Audience. His Majesty was pleased to receive Vithalbhai at the Buckingham Palace on the 25th of May 1927, at 10-45 a.m. It was an unwritten convention of those days for society people to be received by His Majesty, the King, in western costume. Vithalbhai could not ordinarily have been expected to meet His Majesty in oriental costume. Vithalbhai was however not the man who would observe any formalities, if he could avoid them. He had discarded the western costume years ago --- from the days of the non-co-operation movement. Just as he had no need for the western costume, when he ascended the Presidential *gadi*, now too, when he paid his visit to His Majesty, he was determined to appear in his habitual wear. He was dressed in pure khadi, and wore a dhoti and a Gandhi cap. This dress, now so common in this country, can hardly strike anybody as anything unusual, but those who have visited European countries and moved in society circles would realise how awkward and difficult it would be for any one to move about in it, without arousing a good deal of curiosity and comment from the common man in London. His Majesty was himself struck by this dress of Vithalbhai. By the way, however, it provided an interesting subject for a conversation, and gave Vithalbhai an opportunity to explain the underlying principles of khadi and the Gandhi cap. He explained the economics of khadi, which meant such a lot for the starving millions of India, who were not able to get even one meal a day, and for whom this cottage industry, if revived, would mean some substantial

relief. The Gandhi cap gave him the opportunity to explain the principles for which Gandhiji had stood, and which had created so much misunderstanding about the motives which actuated his dealings with Government and the foreigners in general. He gave convincing answers to all the questions put to him by His Majesty, the King, about the non-violent fight Gandhiji had started against British rule, and the domination of foreign capitalists in India. The audience which was supposed to last for no more than 10 minutes, continued for over 30 minutes, at the end of which period courtesy demanded that Vithalbhai should ask for leave. But His Majesty was interested to such an extent in the conversation, that he detained him for a much longer chat, during which various political, economic and social problems of India were discussed to the entire satisfaction of Vithalbhai. So impressed was His Majesty with this talk, that he asked Vithalbhai, as if in a casual manner, if he had met and discussed these interesting problems, and this entirely different viewpoint with his Ministers, particularly with Lord Birkenhead, the Secretary of State for India. His Majesty was surprised to learn that Vithalbhai had had no communication from Lord Birkenhead till that time, and that he would certainly have liked to meet him and discuss Indian affairs with them. His Majesty was pleased to take up the 'phone straightway and spoke to Lord Birkenhead about Vithalbhai's visit to him. An interview with Lord Birkenhead was provisionally fixed up, practically on the 'phone at this audience, the confirmation coming later by a communication from the Secretary of State's Office. This little incident had its own interesting role to play in the fullness of time. The long tussel between Vithalbhai and the Government of India that took place in respect of the invitations to be extended to the members of the Simon Commission by the President of the Assembly have to be looked at, which this incident in mind.

Vithalbhai had, in the meantime, during his several interviews with the Speaker and his Secretary, and several Members of Parliament and of the Parliamentary Association, discussed several points about the constitutional procedure that was being followed in the British Parliament, which was after all the one model for

India's so-called Parliament, namely, the Legislative Assembly. To his surprise, he found that the ideas and conceptions he had formed of Parliamentary procedure, by sheer force of study and experience, were confirmed in full measure during his conversations with these prominent Parliamentary notabilities. He was now thoroughly convinced of the soundness of the line he had adopted in his dealings with Government members, with the other members of the Assembly, with the press and the public, in respect of Parliamentary etiquette and manners, conventions and procedure. He attended the debate, which was of considerable interest to the members of the Indian Legislature, that took place in the House of Commons on the 16th of June 1927, when the vote for the India Office on the Estimates for 1927-28 came up for discussion. On not a few occasions did he attend the British Parliament in Session, and every time he did so he was struck by the remarkable contrast it presented to him. He was convinced that the working of the Indian Legislative Assembly was in no way inferior to the standard adopted by the Parliamentary authorities of the House of Commons, although the Indian Legislative Assembly was a junior body with only a limited experience. It was of course not difficult for any Indian, or for the matter of that, any Britisher, who had witnessed the proceedings of the Indian Legislative Assembly to feel convinced that the business transacted therein, was more orderly, and complied with all the real requirements of Parliamentary procedure, tradition and conventions.

Baldwin, the Prime Minister, invited Vithalbhair to lunch on the 30th of June. During the conversation, Vithalbhair gave his mind in clear terms on what he thought about the contemplated Royal Commission on Indian reforms. He impressed upon him, as he did on Lord Birkenhead, that unless they were prepared to meet Gandhiji on equal footing, there was no hope for an amicable settlement of the Indian problem that confronted them.

Birkenhead, after having come into contact with Vithalbhair, developed a special liking for him. He invited him to lunch subsequently on 3 or 4 occasions. On one occasion, the story goes, Birkenhead asked Vithalbhair what drink, in particular, he

fancied, and Vithalbhai told him that he preferred plain water to any other drink. Birkenhead said that that was the only drink on which he was no expert. The last time he invited Vithalbhai to lunch was on the 5th of July 1927, at Gray's Inn. On all these occasions, and during the several conversations Vithalbhai had with Birkenhead, all kinds of Indian political problems were discussed, and on every one of these occasions, Vithalbhai laid pointed emphasis on the desirability of a reconciliation with Gandhiji, Motilalji and the Nationalists in general. All this was, of course, far too much for a hot-headed reactionary like Lord Birkenhead, to swallow; but that did not prevent him from developing a genuine admiration for the abilities of Vithalbhai, which he fully recognised. As a symbol of this admiration, Birkenhead made a present to him of his own autographed book.

During his interview with Whitley, the Speaker, Vithalbhai further discussed the case of Mitra, who had been elected to the Assembly, but was prevented from attending the meetings of the Assembly on account of his detention under the Bengal Criminal Law Amendment Act. In spite of the adjournment motion of Pandit Motilal Nehru having passed in the Assembly, Government had not yet enabled Mitra to attend the Assembly meetings. Whitley's written opinion was in the hands of Vithalbhai. But Vithalbhai now pursued the matter personally with him and successfully made out a case that British Parliamentary institutions had developed on the strength of conventions which the British statesmen had so jealously guarded against all possible invasion by the decrees of the Executive. The Government of India having claimed that the Indian Legislative Assembly was, for all practical purposes, India's Parliament, it followed that it should have fair opportunities to develop such conventions as those which the British public was used to. The mere absence of a specific provision in the Act should not necessarily mean the absence of that privilege, if it was ordinarily enjoyed by the members of the British Parliament, unless there were a specific provision to the contrary. As a result of these efforts of Vithalbhai, Mitra was unconditionally released from the Mandalay Jail before Vithalbhai's return to India.

V I T H A L B H A I P A T E L

By his letter, quoted below, T. C. Goswami conveyed his jubilation at this release of Mitra:

Serampore,
9th August, 1927.

My Dear Mr. Patel,

Allow me to extend to you a cordial welcome on your return from your great tour in Europe. I wish I could be present today in Simla to greet you personally; but my best wishes are with you.

You have probably heard that Sjt. Satyendra Mitra — the 'ordinance' member of the Assembly — has been released — at last! — unconditionally. I wonder if you think you should make a statement on the subject of 'Privilege' either in the House or in the press.

I shall be in Simla by the 22nd. My kindest regards,

Yours sincerely,
(Sd) Tulsi Chandra Goswami.

It was during this sojourn of his in Europe that Vithalbhai had come into contact with Eamon de Valera, the liberator of Ireland, who was then in hiding. It was President Cosgrave himself who had brought about this meeting. What actually passed between them is a sealed book now, but it is more or less certain that each of them profited by the other's advice. It was, for instance, believed at the time that the change that came over de Valera's tactics about this time was largely the result of his talks with Vithalbhai. So great was de Valera's appreciation of Vithalbhai that, later, when the question of the Irish 'annuities' was on the anvil, and when Empire arbitration was proposed as a solution for the Irish Problem, de Valera is believed to have said that he would accept the proposed arbitration, if the British Prime Minister accepted Vithalbhai as his nominee. The fact is that de Valera looked upon Vithalbhai as an independent, far-seeing and astute politician who could not be easily hoodwinked by soft words. Similarity of temperament and a general agreement about ideals and methods in political warfare had brought about a friendship between these two patriotic politicians that was to last till the death of Vithalbhai.

Vithalbhai's main business in this European trip of his was, undoubtedly, to acquaint himself thoroughly with Parliamentary traditions, conventions and procedure with a view to seeing how far he could go, while strictly keeping himself within the four corners of the Constitution, in promoting the political advance of India. It is, however, necessary to remember that Vithalbhai did not restrict himself entirely to this part of his work. While neglecting no opportunity to examine in detail all the possibilities that were open to him of laying down a healthy tradition for the realization of a perfectly autonomous Indian Parliament, he endeavoured to the best of his ability to convince the British statesmen and politicians that the real solution of the Indian problem lay in winning over, and accepting the advice of, Gandhiji and his associates who alone could deliver the goods. Among those whom he tried to persuade and to bring round to this view were Baldwin, the Prime Minister and Birkenhead, the Secretary of State for India. That he had had confidential talks, on this and allied matters, with Birkenhead, in particular, is quite apparent from the following, which appears in a personal letter he wrote to Irwin from Nadiad, on the 9th of December, 1927, in connection with the statement he was then contemplating to make about himself:

"I ... request you to consider whether I shall be justified in referring, even in that general way, to the private conversation I had with Your Excellency and Lord Birkenhead."

It has been a fashion in India to believe that the announcement of the 8th of November, 1927, about the appointment of the Simon Commission was due to 'the fear of the General Election in 1929 in Great Britain', and that the Conservatives were keen on disposing of the Indian problem before Labour came into power. There may be some truth in this view; but it is equally plausible that the various adjournments in the Assembly and the general agitation in the country as well as the representations of Lord Irwin to the British Cabinet had as much to do with the awakening of the British mind to the necessity of *doing something* to appease India. That all this could not bring about the consummation devoutly wished for is another matter. It is equally true that to this awakening of the British mind, Vithal-

bhai contributed not a little. If the release of Mitra could, to a large extent, be attributed to Vithalbhai's perseverance in that matter, the awakening of the British mind to the necessity of exploring some avenues to the appeasement of India was also due to the efforts of Vithalbhai to bring the matter home to Baldwin, Birkenhead and Irwin.

We take the liberty of laying before our readers some of the intimate correspondence that took place between Vithalbhai and Irwin and Vithalbhai and Gandhiji from the 27th of September to the 27th of October, 1927, to show how Vithalbhai was trying to see that the solution of the Indian problem was reached to the satisfaction of all concerned.

Here is Vithalbhai's letter to Irwin, dated the 27th of September:

Letter from the Hon'ble Mr. V. J. Patel to His Excellency Lord Irwin, dated Nadiad, the 27th of September 1927.

My Dear Lord Irwin,

Your Excellency will, I have no doubt, excuse the liberty I take of writing direct. The importance, character, and nature of the subject matter are my only justification for doing so.

I arrived here this morning, and am in the midst of a large number of workers engaged in the relief operations. I am today arranging a programme for visiting the affected rural areas, and will accordingly commence touring from tomorrow to see things for myself.

I understand Mahatma Gandhi proposes to visit Ceylon early in November. If Your Excellency has decided to meet him and Dr. Ansari between the 15th and 20th of November, I must immediately do two things:

- (1) I must ascertain from both that Your Excellency's invitation will be accepted, and
- (2) I must see that Mahatma Gandhi so adjusts his programme as to make it possible for him to be in Delhi from the 15th to the 20th of November.

I enclose herewith, for Your Excellency's approval, draft letters which I propose to address to them. I think it is also necessary that I should send a telegram to Mahatma Gandhi immediately; a draft telegram is also enclosed for Your Excel-

lency's approval. If Your Excellency approves of the step I propose to take, may I have a telegraphic communication from Cunningham to that effect? If Your Excellency thinks any alterations are necessary in the draft letters and telegrams, please suggest them to me and I will act accordingly.

There is one other matter which I should like to mention to Your Excellency. I feel that, as a result of Your Excellency's conversation with Mahatma Gandhi and Dr. Ansari, it is quite possible that Your Excellency might be inclined to *include in the Statutory Commission certain persons in preference to certain other persons*. It is, therefore, necessary that Your Excellency should be in a position to press Your Excellency's views on the British Cabinet at that stage.

(Sd) V. J. Patel.

* * * *

Copy of proposed telegram to be sent to Mahatma Gandhi.

It is quite possible that I might require your presence at Delhi between 15th and 20th of November. You will therefore adjust your programme accordingly. Wire reply.

* * * *

Copy of proposed letter from the Hon'ble V. J. Patel to Dr. Ansari, Delhi, sent to H. E. the Viceroy for approval.

My Dear Dr.,

From the conversations I had with His Excellency the Viceroy at Simla, I gather that he might ask you, Mahatma Gandhi and me to meet him at Delhi between the 15th and 20th of November, with a view to consulting us on several vital questions affecting our countrymen in India and outside.

As the President-elect of the Indian National Congress, your position, I know, is rather delicate and difficult, but I also know that you are quite safe in the company of Mahatma Gandhi and, therefore, I take it that if Mahatma Gandhi consents to meet His Excellency, you also will have no objection to do so. May I have a line in reply?

(Sd) V. J. Patel.

Copy of proposed letter from the Hon'ble Mr. V. J. Patel, Nadiad, to Mahatma Gandhi.

My Dear Mahatmaji,

From the conversations I had with His Excellency the Viceroy at Simla, I gather that he might ask you, Dr. Ansari and me to meet him at Delhi between the 15th and 20th of November, with a view to consulting (us) on several vital questions affecting our countrymen in India and outside. Speaking for myself, I have decided, since I accepted the responsible office of President of the Legislative Assembly, to meet His Excellency the Viceroy as often as I consider it necessary, or as many times as His Excellency asks me to meet him. As you are aware, I have accepted this office with the full concurrence of the Indian National Congress with a view to serve (serving) as a link between the Government and the people, and to representing to the Head of the Administration in India and the Authorities in England the people's point of view, fairly and squarely without mincing matters.

As for Dr. Ansari, the position is somewhat difficult and delicate. He is the President-elect of the Congress, and his conduct in meeting His Excellency the Viceroy on the eve of the Session of the Congress is likely to be misunderstood among the people. But I know this much, that he is quite safe in your company, and if you decide to meet the Viceroy, Dr. Ansari will, I am sure, have no objection to do so along with you.

So far as you are concerned, I know you are always ready and willing to co-operate with anyone, whether official or non-official, who shows his willingness to co-operate with you in any matter calculated to promote the welfare of the country. May I therefore, take it for granted that, if His Excellency asks you to meet him, your reply will be in the affirmative?

(Sd) V. J. Patel.

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Copy of letter from His Excellency Lord Irwin to the Hon'ble Mr. V. J. Patel, Nadiad, dated Simla, the 5th of October, 1927.
Dear Mr. Patel,

Thank you very much for your letter; and for offering your

help in ascertaining whether Mr. Gandhi and Dr. Ansari would be willing to respond to an invitation to meet me. I cannot yet say positively that I shall be able to invite them to do so in November, as this, so far as I am concerned, must depend on other factors which are still uncertain.

In these circumstances I do not feel that I ought at this moment to make even the hypothetical suggestion to them that you suggest, and I think therefore that your initial enquiries as to their willingness to meet me must be delayed. I don't think I have any suggestions at present to make as to the drafts, but these perhaps I may return to you when I can write again. As a matter of fact, I find my dates to be in Delhi are November 18th (evening) to November 24th (morning) and then November 27th to December 7th or 8th.

With reference to the last paragraph of your letter, it is, as I told you when we last talked, possible and indeed very probable that even if I meet them in November, *the Cabinet will have been obliged by then to reach their main decision*. As regards this, however, you have placed me, as have others and, of course, the Press, in possession of the principal currents of opinion on the issues involved, which are indeed, though of great difficulty and importance, not obscure.

Should it, therefore, be the case that the Cabinet will have reached decisions before such an interview as we are discussing were arranged, I should regard the object of the meeting, if and when it took place, as being, so far as this particular subject is concerned, to examine the situation in the light of whatever might be the conclusions to which the Cabinet would have come, and, as you said, discuss freely, *on that basis*, how far it might be possible to bring our views together for the good of India.

(Sd) Irwin.

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Copy of letter from His Excellency Lord Irwin to the Hon'ble Mr. V. J. Patel, Nadiad, dated Viceroy's camp, 13th of October 1927.

Dear Mr. Patel,

Things have moved rather more rapidly than I anticipated when I wrote to you last, and I am now in a position to say

that I should like to invite Mr. Gandhi and Dr. Ansari to come and see me in Delhi; and I would therefore be grateful if you would ascertain from them whether they would be willing to respond to an invitation to do so. I return your drafts accordingly, in which you will kindly make an alteration in the dates proposed. I have had to modify my tour and shall now be in Delhi from October 31st to November 8th. I could see them at any time between those dates, and on hearing from you that they will be willing to come I shall write to them suggesting a day for seeing them.

I should also like if it was possible to have another talk with you during my days at Delhi. I am very much engaged on November, 3rd, 4th and 5th, and therefore if it had been possible for these gentlemen and yourself to meet me on November 2nd, that would have suited me best.

I am very sorry that I have not been able to give you and them longer notice, but my own plans have been uncertain; and I hope very much that this may not make it impossible for us to meet.

(Sd) Irwin.

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Copy of letter from the Hon'ble Mr. V. J. Patel to H. E. Lord Irwin, Viceroy's Camp.

Nadiad,
17th of October, 1927.

My Dear Lord Irwin,

It is a matter of real pleasure to me that Your Excellency has decided to meet Mr. Gandhi and take his advice, and I am sure that the meeting will be fruitful in every way. I have today sent a special messenger to Mr. Gandhi and written to Dr. Ansari, asking them to send a telegraphic reply to me. As soon as I receive their replies, I will forthwith communicate them to Your Excellency by telegram, with their exact address to enable you to reach them either by letter or by telegram.

I shall, of course, be in Delhi from the 2nd to the 8th of

November and, perhaps, it might be desirable for us two to meet before all of us meet together.

Yours, etc.
(Sd) V. J. Patel.

Copy of telegram from Mahatma Gandhi to the Hon'ble Mr. V. J. Patel, Nadiad, dated Coimbatore, 20th October, 1927.

Dayalji just arrived also your wire. Difficult alter Ceylon programme *Stop* Should gladly go Delhi or elsewhere later if invited *Stop* In my opinion present juncture am not hopeful personally rendering useful service through diplomatic channels *Stop* If despite my limitations immediate visit Delhi considered necessary am prepared postpone Ceylon visit and attend Delhi provided invitation is announced and publication agreed statement purport interview is permitted *Stop* If you consider this satisfactory please repeat whole text proper quarters but personally urge you keep me out of this business. Am here tomorrow Tirupur until twenty-fourth Calicut twenty-fifth.

Copy of telegram from the Hon'ble Mr. V. J. Patel to Mahatma Gandhi, Coimbatore, dated Nadiad, 20th of October, 1927.

Before I wire full text of your telegram to proper quarters request you once again to agree to respond to invitation without conditions *Stop* If you still maintain your attitude I will send full text and let you know reply *Stop* Please wire immediately.

* * * *

Copy of telegram from Mahatma Gandhi to the Hon'ble Mr. V. J. Patel, Nadiad, dated Coimbatore, 20th of October, 1927.

Your wire. Think conditions neither offensive nor hard but desirable public interest please wire full text.

Copy of telegram from the Hon'ble Mr. V. J. Patel to His Excellency the Viceroy, Viceroy's Camp, dated Nadiad, 20th of October, 1927.

Gandhi wires as follows *begins* Dayalji just arrived also your wire. Difficut alter Ceylon programme *Stop* Should gladly go Delhi or elsewhere later if invited *Stop* In my opinion present juncture am not hopeful personally rendering useful service through diplomatic channels *Stop* If despite my limitations immediate visit Delhi considered necessary am prepared postpone Ceylon visit and attend Delhi provided invitation is announced and publication agreed statement purport interview is permitted *Stop* If you consider this satisfactory please repeat whole text proper quarters but personally urge you keep me out of this business. Am here tomorrow Tirupur until twentyfourth Calicut twentyfifth *ends* In my opinion demand for announcement of invitation and publication of agreed statement of interview though not unnatural or unreasonable considering likely misunderstanding among people could well have been settled at the interview *Stop* However meeting at this juncture most essential to understand mutual point of view and clear misunderstandings *Stop* Propose therefore sending following reply subject Your Excellency's telegraphic approval *Stop* *Begins* No objection to your announcing that you and Dr. Ansari have accepted Viceroy's invitation to meet him Delhi second November *Stop* Question whether any statement of interview should be published may be left over to be settled after discussion with Viceroy *Stop* Wire consent immediately *ends*.

Copy of telegram from His Excellency the Viceroy to the Hon'ble Mr. V. J. Patel, Nadiad, dated Viceroy's Camp, 22nd October, 1927.

28 C. Thank you very much for your telegram of October 20th *Stop* I fully realise Gandhi's difficulties and would not suggest especially having regard to his health that he should alter his plans and take long journey unless I thought it important to see him *Stop* I should be quite willing if interview takes place that announcement of fact of invitation should be made but am afraid that I cannot agree to any statement regarding subject matter of interview, as this would inevitably impair confidential

character of meeting *Stop* If I hear from you that in these circumstances he will come to Delhi I shall be happy to extend invitation to him *Stop* Please ascertain this and let me know by telegram *Stop* In meantime propose unless you see any objection to invite Dr. Ansari without further delay to come and see me on November second.

Copy of telegram from Mahatma Gandhi to the Hon'ble Mr. V. J. Patel, Nadiad, dated Tirupur, 23rd October, 1927.

Your wire just received recognise difficulty publication and in view apparent urgency my presence will gladly respond invitation if received. Tirupur till twenty-fourth, twenty-fifth Calicut, twenty-sixth and after Mangalore.

Copy of telegram from His Excellency the Viceroy to the Hon'ble Mr. V. J. Patel, Nadiad, dated Viceroy's Camp, 24th c; October, 1927.

38 C. Thank you very much for your telegram of October 23rd and for having made such satisfactory arrangements *Stop* I should like to see you at ten o'clock Wednesday November second if convenient to you *Stop* I have asked the other two to come at eleven-thirty that morning.

Copy of telegram from the Private Secretary to H. E. the Viceroy to the Hon'ble Mr. V. J. Patel, Nadiad, dated Ferozepore, 25th of October, 1927.

94 Ct. Do you think His Excellency ought among other leaders to see Srinivasa Iyengar *Stop* If so could you ascertain urgently whether he would be willing to accept invitation to meet His Excellency at Delhi *Stop* Afternoon of November second would probably be most convenient time for His Excellency

VITHALBHAI PATEL

Copy of letter from the Hon'ble Mr. V. J. Patel, to Mr. Srinivasa Iyengar, 16, Luz Church Road, Mylapore, Madras, dated Nadiad, 25th of October, 1927.

Wire immediately whether you will accept Viceroy's invitation to meet him second November Delhi. Mahatmaji and Ansari have agreed.

Copy of telegram from Mr. Srinivasa Iyengar, Calcutta, to Hon'ble Mr. V. J. Patel, Nadiad, 26th October, 1927.

Your telegram. Can meet Viceroy if invited. Address care Goswamy 1 Rainy Park Ballyganj, Calcutta.

Copy of telegram from Mahatma Gandhi, Kallai, to the Hon'ble Mr. V. J. Patel, Nadiad, dated the 26th of October, 1927.

Reaching Bombay twenty-ninth morning Mangalore boat. Pick you Baroda thirtieth.

Copy of letter from the Hon'ble Mr. V. J. Patel, to H. E. Lord Irwin, Viceroy's Camp, dated Nadiad, the 27th of October, 1927.

I propose to leave Nadiad next Sunday morning for Baroda and visit the flooded areas in that city. I will then catch the Peshawar Mail that night reaching Delhi on Monday evening. I shall thus be available to Your Excellency from the morning of the 1st of November. As my stay in Delhi is to be very brief, I will not occupy my official residence, 20 Akbar Road; but have arranged for accommodation at the Western Hostel. If Your Excellency for any reason desires that I should meet Your Excellency on the 1st of November, kindly ask Mr. Cunningham to phone me up or write to me at the Western Hostel.

I am putting together all the letters and telegrams referring to the invitations issued to Mr. Gandhi and Mr. Srinivasa Iyengar,

would probably be most convenient time for His Excellency. personal file,

I have just heard from Mr. Gandhi that he, too, will travel by the same train as I and reach Delhi on the evening of the 31st.

The interviews came off as arranged, but nothing came out of them. As Irwin had feared, the Cabinet had reached their decision before the interviews took place. As the Congress Historian puts it: "Lord Irwin placed in his (Gandhiji's) hands the Secretary of State's announcement regarding the Simon Commission, and when asked whether that was all the business, Lord Irwin said: "Yes". Gandhi felt that a one anna envelope would have reached it to him." Whether Gandhiji should have stopped with this or whether Irwin should not have further discussed with Gandhiji the stand that he and the Congress would take on this matter are questions that would admit a wide variety of answers. Birkenhead appears to have thought that Irwin could bring round the Congress and Gandhiji to accept the position which the British Cabinet had reached. In fact, at a luncheon which he attended as the principal guest, immediately after he had seen off the Simon seven, he referred to Irwin (as reported in the *London Times*) as 'a man of singular tact and persuasiveness'. Birkenhead banked too much on this ability of Irwin, and palmed off his ill-thought-out scheme on India. Vithalbhai had made his position quite clear to Baldwin, Birkenhead and Irwin. He had apprised them of the fact that a purely Parliamentary Commission had no chance whatever of winning over the people of India, that the question of the relations between India and England could be adjusted only on the basis of India's right to Dominion Status being acknowledged without any reservation, and that the method of giving effect to this decision was a round table conference, such as had been suggested from time to time in the Assembly. In fact, later on, when he issued his statement, he laid particular emphasis on these three points. With all that, the Cabinet appeared to have reached a decision that went absolutely counter to this,

VITHALBHAI PATEL

and Irwin had to communicate it to Gandhiji and his associates whom he had invited. The only comment that we can make on all this is:

The best laid schemes o'mice an' men
Gang aft a-gley,
An' lea's us nought but grief an' pain,
For promised joy.

Chapter Thirty

GOLD STANDARD AND RESERVE BANK OF INDIA BILL

ON the 25th January, 1927, Blackett introduced in the Assembly his Gold Standard and Reserve Bank of India Bill. The Bill provided for the introduction in India of what is known as the gold bullion standard and for the inauguration of the Reserve Bank of India. Under this standard, though there was no gold currency in circulation, the rupee became equal to a fixed value in gold, and this value was secured by the ensuring of free and absolute convertibility of rupees and gold at this rate. Thus under this standard the rupee became a gold unit of account and a gold standard of value. 400 ounces of gold was laid down as the unit for the conversion of gold into rupees and *vice versa*. This was similar to the form of gold standard which was adopted in England in 1925, and the best practical form under the then circumstances. Blackett also explained how the two existing reserves, the Gold Standard Reserve and the Paper Currency Reserve, were not necessary under the new scheme and that they would be amalgamated into one Currency Reserve. In the new reserve, the amount of silver rupees would be limited to a progressively small figure, as a large stock of silver rupees was not necessary in the reserve. The form of notes too was to be changed; instead of the obligation to give silver rupees for notes, the notes were to express a given value in terms of rupees. Both the silver rupees and the paper rupees would thus be notes — printed on silver or paper as the case may be, their value being secured by the mechanism explained above. In the new Currency Reserve, there was to be a minimum of 50 per cent. of gold assets.

Referring to the proposal for a Reserve Bank of India, Sir Basil explained how it would be a great step forward in the development of India's financial and monetary machinery. He saw in it a gradual and silent revolution in the economic life

of India promising, in the fullness of time, to bring higher opportunities of life and higher standards of living to every one in the country. His proposal for the establishment of the Reserve Bank of India was characterized by Sir Basil as an important contribution to the consolidation of the national unity of India and an important step forward in the unification of Indian life. The Bill provided for the continuation of the Imperial Bank of India with greater freedom in respect of the expansion of banking facilities throughout the length and breadth of India, and for the creation of an entirely new institution called the Reserve Bank of India taking over from the Government of India all the functions performed by the Government, which were essentially of a banking character. With the granting of additional financial and banking facilities to Indian agriculture, Indian commerce and Indian industry, India was bound to move forward, said Sir Basil, towards that financial and economic development, which used to be the theme and object of one Commission and Committee after another.

The history of currency reform in India, however, had provided several sad chapters and the depressing effect produced by them on the mental outlook of the Indian public called for close scrutiny and caution. The wartime inflation of currency and its deflation immediately after the cessation of hostilities, the policy of Reverse Council Bills bringing Indian industry to grief, had shaken the economic structure of India to its very foundations. The horror of the miseries brought on by these measures was still haunting the Indian public like a nightmare. In fact, the history of the management of Indian currency under the British rule had been one long and unending series of efforts to manipulate currency in the interests of the ruling country without regard to the harm these efforts did to the people of India. During the silver crisis of 1873-1893, things had been allowed to drift from bad to worse, and instead of India being put on the Gold Standard, a hybrid system was introduced, in 1898-99, called the Gold Exchange Standard. As a matter of fact, it was nothing but the Sterling Exchange Standard with a different name. From that time onwards Indian currency has all along been practically linked to Sterling. The management of

our currency and exchange up to the outbreak of the World War in 1914 was mainly guided by the consideration of the exchange being maintained at 1s. 4d. to the rupee, irrespective of any effects of this ratio on the internal price level. During the war of 1914-18, the Sterling Exchange Standard broke down, and India was thrown on to the Silver Standard. The value of the rupee was raised in proportion to the rise in silver. This abnormal situation was sought to be made permanent by the value of the rupee being fixed at 2s. gold, in 1920-21 — at a time when the world had not yet stabilised its currencies. This experiment proved a costly failure. India lost its sterling reserve of Rs. 54 crores in the bargain; and the rupee was left to itself for some time. The desire to fix the rupee-sterling exchange at a pretty high figure in the interests of British import trade continued to remain unabated. This was made manifest when in due course, — by the year 1926-27 — the rupee was allowed to rise to 1s 6d. Efforts were made to raise it still further, but angry protests from India stopped further mischief. This was legalised later, and we were supposed to be on the Gold Bullion Standard, with the rupee at 1s. 6d. gold.

This too was in fact the same as a Sterling Exchange Standard, as was revealed in 1931, when England abandoned the Gold Standard and the rupee was avowedly linked to Sterling at the 1s. 6d. rate. This was followed by large exports of gold from the country which were allowed despite universal protests against them. The position changed in the Second World War and now we have sterling balances to our credit. These have arisen because we were made to finance British War expenditure in India by inflation, and paid in return by sterling in London. The sterling was put in the currency reserve in London against which rupee notes were issued in India. The position now is that we have been suffering from the horrors of inflation and we do not know how and in what form and when we shall receive the value of our sterling balances.

During the discussion on the motion that the Bill be circulated for opinion, Sir Purushottamdas Thakurdas observed that the commercial public should have a very substantial say on the Bill as its main aim was the control of currency and credit in a

single hand. Birla pointed out how the Bill was unsatisfactory in many ways, and said that the acceptance of the scheme of the Reserve Bank would depend on its constitution, and the provisos which might be made about the location and constitution of the reserves, and also on the representation which Indians might receive on it. Jamnadas Mehta observed that there was as much of gold standard in that Bill as there was of Self-Government in the Government of India Act of those days. He was against the location of our gold reserves out of the country or their investment in foreign securities. T. Prakasam raised his voice against the Reserve Bank being a Shareholders' Bank; he was of the opinion that it should be a State Bank. Sir Basil, replying, said that the real way to obtain complete independence in these matters was to have an independent body, which would not be possible if the Government provided the finance and therefore controlled the Bank.

The Bill was referred to a Joint Select Committee of both the Houses, on the 27th of March 1927. The report of the Joint Committee was presented by Sir Basil on 18th of August, 1927. The discussion on the report took place on the 29th of August 1927. Sir Basil pointed out how the Bill had undergone some fundamental changes in the Committee: first, regarding the introduction of gold coins, which, according to him, was not practicable; and secondly, regarding the constitution of the Directorate of the Reserve Bank. The Committee had decided to make the Bank a State Bank. We may quote here a part of the debate which followed:

Mr. President: I do not wish to interrupt the Hon'ble member in any way, but there is one difficulty which the Chair feels in connection with the speech he is making. I understand the motion he is making is that the Bill, as reported by the Joint Committee, be taken into consideration. He is perfectly in order in so far as he advances arguments in support of that motion. I am not sure — and I am glad the Hon'ble the Law Member is here to help us in the matter — how far the Hon'ble the Finance Member would be in order in advancing arguments against his own motion.

The Hon'ble Sir Basil Blackett: I see no reason why I

should not do so when moving the motion that the Bill, as reported by the Joint Select Committee, be taken into consideration. I accept all that it has got to say on the technical clauses. I see no reason why we should not be wiser from the recommendations of the Joint Committee and amend the clauses raising the constitution of the Bank in a way which I have indicated.

Mr. President: The Hon'ble member is perfectly right in saying that the House is entitled to go outside the recommendations of the Joint Committee and improve upon those recommendations, but whether the Hon'ble member himself would be justified, after making the motion that the Bill, as reported by the Joint Committee, be taken into consideration, in advancing arguments against his own motion is not a question free from doubt. That is the difficulty which the Chair feels and on which the Hon'ble the Law Member will be good enough to enlighten us.

The Hon'ble Mr. S. R. Das (Law Member): I regret that this matter should be put to me without previous notice, because I have not had time to consider it. But I should have thought that the motion that the Bill, as reported by the Joint Committee, be taken into consideration is a formal motion on the part of Government who alone can make that motion having regard to the fact that the Bill is introduced by the Government Member. I should think, Sir, that there would be nothing objectionable in the Government moving amendments to the Bill and in suggesting for the consideration of the House the amendments that the Government propose to move. That is how it strikes me. The question has come to me rather as a surprise.

Mr. President: If the view advanced by the Hon'ble the Law Member is carried to its logical conclusion, the Hon'ble the Leader of the House can make a motion that the Bill, as reported by the Joint Committee, be taken into consideration and yet make a speech asking the House to oppose it and throw it out. That would be the logical result.

The Hon'ble Sir Basil Blackett: I submit, Sir, that there are many precedents for a thing like this in this House for speeches by members of Government on bringing back a Bill from a Select Committee or a Joint Committee, in which they

have differed, proposing to make amendments in the Bill. I submit, Sir, that I am not the mouthpiece of the Joint Committee, I was just one member of it — I was not even the Chairman — and that I am in order in speaking on this motion in the sense that, while I am in agreement with a large portion of the Joint Committee's Report, and am desirous that this House should take it into consideration, I hope, when this House does take it into consideration, it will make certain amendments.

Mr. President: It is a very difficult question indeed. Personally I am not satisfied that the Hon'ble the Leader of the House is really in order in advancing arguments against his own motion. The more proper course would have been for any one member of the majority of the Committee to have a motion that the Bill as amended by the Joint Committee be taken into consideration, and then for the Hon'ble the Leader of the House to move his amendment against the recommendations of the Joint Committee. If this course is not permissible under the Standing Orders, the Leader of the House should have moved that the Bill, as reported, be recommitted to the Joint Committee or re-circulated for opinion.

The Hon'ble Sir Basil Blackett: Sir, I will take advantage of your ruling, and I propose to continue. I would, however, with respect, submit that the motion to take the Report of the Joint Committee into consideration is not a motion requesting the House to take into consideration and pass the Bill as reported. There are at any rate many precedents for the course which I am now adopting.

Mr. President: I would allow the Hon'ble the Leader of the House to proceed with his arguments without committing myself to any ruling. This should not form a precedent; the Chair allows this procedure, as a special case. It is really a question whether a member is in order in making a speech against his own motion.

The Hon'ble Sir Basil Blackett: I am not advancing any arguments against my own motion, Sir.

Mr. President: The Chair has its own view about the Hon'ble member's speech.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan

RESERVE BANK OF INDIA BILL

Rural): Sir, may I draw your attention to Standing Order 44 which deals with the procedure after the presentation of the Report of the Select Committee? Clause 1 says:

"After the presentation of the final Report of a Select Committee on a Bill, the member in charge may move that the Bill as reported by the Select Committee be taken into consideration." And so on. Then Clause (b) says that he may further move:

"That the Bill as reported by the Select Committee be re-committed either —

- (i) without limitation, or
 - (ii) with respect to particular clauses or amendments, only, or
 - (iii) with instructions to the Select Committee to make some particular or additional provision in the Bill;
- or (c) that the Bill as reported by the Select Committee be re-circulated for the purpose of obtaining further opinion thereon."

I think, Sir, on a reading of this Standing Order, it is not quite clear that the member-in-charge who alone has the right to move that the Bill as reported by the Joint Committee be taken into consideration, necessarily commits himself to that particular Report.

Sir Basil then explained the difference between the Committee and the Government. He observed that by making the Bank a State Bank, politics would enter into the selection of a business board which would mean bad business and bad politics. The Government were not prepared to accept it, and they would rather lose the Bill altogether than accept the proposal as it stood. But Government preferred to have a *via media* and proposed an alternative method of appointing the Directorate, in which the Legislatures should have no voice. With reference to Clause 4 of the Bill, which referred to Share capital, Sir Basil said, that the Government were willing not to press their amendments with regard to Share capital provided that they made their position clearly understood. They did not resile from their position that a Shareholders' capital was the method best suited for solving the difficulties which had to be faced in the creation of a Reserve Bank, but if they did not press at that

stage for the introduction of a Share capital, it was on the understanding that the Bill would clearly have to live or die according to their success in coming to a conclusion on Clause 8 in finding a satisfactory Directorate. It had to be clearly understood, he added, that in yielding on that point on which they had very strong opinions, the Government were doing it in the hope, not then absolutely in sight, that a satisfactory solution would be found on Clauses 7 and 8 and the other points till then in question.

On the 1st of September, 1927, Sir Basil moved an amendment to Clause 7, by which members of the Central or Provincial Legislatures could not be appointed on the Board of Directors of the Reserve Bank. By 51 to 70 votes, this amendment was lost.

This upset the calculations of the Finance Member. On the 2nd of September, he moved an adjournment of the debate on the Bill, to have time to consult party leaders as a difficult situation had arisen. The Government had agreed not to press for the 'Shareholders' plan, in the belief that a solution of the difficult problem of an elected Directorate without Shareholders would be attained. The suggestion of a Directorate elected by electoral colleges was quite welcome to the Government. But, as that was not accepted, there was the danger of that purely business measure foundering in the whirlpool of communal trouble. He therefore asked for time to find a way out.

On the 8th of September, Sir Basil made a statement in the Assembly to the effect that no agreement could be reached on the difficulties pointed out by him and that therefore the Government had decided not to proceed with this Bill, as also the Imperial Bank of India Bill, 'at present.'

As a protest against this attitude of the Government, which was looked upon as a 'signal insult' to the House, all the members of the Congress Party walked out of the House. Lajpat Rai and his Nationalist Party did not walk out, but Lajpat Rai as the leader of the Nationalist Party, associated himself with the protest that was made by the leader of the Congress Party.

On the 13th of September, Diwan Chamanlal moved an adjournment of the House to draw attention to the 'affront

offered to the Legislative Assembly by the Government in withdrawing, this Session, the Gold Standard and Reserve Bank Bill'. Sir Basil explained that no affront was either desired or intended and that the Bill had not been withdrawn. As more time was required to consider an important difficulty, the question was merely postponed. In spite of this explanation, the adjournment motion was carried without a division.

On the agenda of the Assembly, on the 1st of February, 1928, figured the introduction of a new Bill, 'to establish a Gold Standard Currency for British India and to constitute a Reserve Bank of India.' A point of order was raised whether a fresh Bill on the subject on which the old Bill was still under consideration was in order. Vithalbhai gave the following ruling, after the point of order was debated in the House by, besides Sir Basil and Aney (who had moved it), Jamnadas Mehta, Srinivasa Iyengar, Graham, Purushottamdas Thakurdas, and Munshi Iswar Saran:

Mr. President: "The question raised has, in my opinion, two aspects. The first is whether the method adopted by the Finance Member in dealing with the Reserve Bank Bill in the Assembly so violates the proprieties of the House as to constitute it an abuse of its forms and procedure. The second is whether the new Bill in so far as it provides for a Shareholders' Bank as against the decision of the Assembly in favour of a State Bank is not barred by the rule of repetition contained in Standing Order 31 of the Manual. On this second point, my view is that, unless a motion asking the Assembly to consider the clause in the new Bill providing for a Shareholders' Bank is made by the Finance Member, the bar arising, if at all, from the rule against repetition does not operate. It is, therefore, not necessary for me at this stage to consider that question, and, indeed, I do not propose on this occasion to say anything more than what is strictly necessary for the purpose in hand.

"Coming now to the first point, it is necessity for the Chair to bear in mind the previous history of this piece of legislation in order to decide whether the method now proposed by the Finance Member violates the proprieties of this House. It will be remembered that the Finance Member introduced his Reserve

Bank Bill in the Delhi Session last year, and it was then referred to a Joint Select Committee of both Houses. That Committee consisted of 30 members, and held its sittings for several days at different places. The fight between Government and non-official members on the Committee centred round two important matters: (1) whether the Reserve Bank should be a State Bank or a Shareholders' Bank, and (2) what should be the constitution of the Board. On both these points Government lost, and the Finance Member made his Minute of Dissent on the Report of the Joint Select Committee. The Bill, as reported, was presented to the House for consideration at the Simla Session, and after nearly three days' discussion at that stage the Finance Member, on behalf of Government, accepted the recommendations of the Joint Select Committee in favour of the constitution of a State Bank as a concession to non-official view, at the same time making it quite clear that the House should come to some reasonable understanding on the question of the constitution of the Board. The Bill was then considered clause by clause and the first seven clauses were passed by the House, including the clause regarding the State Bank. The eighth clause regarding the Constitution of the Bank was being considered on the 1st of September, when the House adjourned to the 2nd of September. When the House reassembled on that day, the Finance Member requested the Chair to adjourn further consideration of the Bill to the 5th of September, in order to enable him to come to some understanding on the question of the Constitution of the Bank with the various Party leaders in the House. This request was granted, and the House again met on the 5th of September, when it was found that Government had not included the item on the agenda, nor was any explanation forthcoming why that was not done. At the following meeting of the Assembly on the 8th of September, the Finance Member made a statement on the next week's business, and announced the decision of Government that they had no intention of proceeding further with the Reserve Bank Bill 'at present.' This announcement was resented by the non-official members, and the whole of the Swaraj Party left the House as a protest. On the 13th of September, when the House reassembled, a motion censuring the Govern-

ment of India for withdrawing the Reserve Bank Bill from the consideration of the House at that stage in that sudden and abrupt manner was discussed and carried. In explaining the attitude of Government on that motion, the Finance Member expressed himself thus:

'I entirely agree that Government have no right to withdraw the Bill without coming to the House. If members of this House are of opinion that an affront was offered to the House, I can only say on behalf of Government that no such affront was desired or intended, and I am very sorry that any impression of that sort should have gone abroad. As regards the withdrawal of the Bill, what Government have done is to come to the conclusion that, in view of the time available during this Session and the complexity of the problem still to be solved, it was not desirable to attempt to complete the Bill this Session.'

'This is the history of the Bill which the Chair has to bear in mind in deciding whether the method which the Finance Member now proposes to adopt violates the proprieties of this House. The Finance Member proposes today to introduce a new Reserve Bank Bill. Under Standing Order 4 (2) of the Manual, the old Reserve Bank Bill is still on the pending list of business; it has neither been withdrawn, nor has it lapsed by efflux of time. It is no doubt true that the mover of a Bill is entitled to drop it altogether in the sense that he makes no further motion with regard to it; but if he drops a Bill and proposes to introduce another instead on the same subject, what should be the correct procedure for the member to adopt is a question which the Chair has got to consider in this connection.

'I have taken some trouble to ascertain the practice of the House of Commons in matters of this kind, and though I have not been able to find any reported case which is on all fours with the case we are considering, there are cases which, if they do not bear materially upon this question, certainly illustrate the principle involved in it. A member who has introduced a Bill drops it himself, or is required to drop it, either because he is not satisfied with its provisions and desires to make material alterations in it or because the Committee to which the Bill has been referred recommends such radical alterations in it as to

constitute it entirely a different Bill from that which has been read a second time by the House and committed.

In 1873, the mover of the University Test (Dublin) Bill made material alterations in the Bill as introduced, and the Speaker held that the Bill should be withdrawn with the leave of the House and a new Bill introduced.

In 1878, when the order for the second reading of the Hypothec (Scotland) Bill was read, objection was taken that the Bill had been so transformed as virtually to amount to a new Bill. The Speaker ruled that the Bill should be withdrawn with the leave of the House, and a new Bill substituted.

These are cases where the alterations had been introduced on the sole authority of the member who had introduced the Bill, and not by a Committee of the House.

The Partnership Amendment Bill, 1866, was committed *pro forma*, and a great number of amendments were proposed in the Committee which so changed the Bill as to transform it into an entirely new Bill.

The Tithe Rent Charge Recovery Bill, of 1899, was materially altered by the Committee to which it was referred, and the Speaker in both cases unhesitatingly affirmed that the practice of the House had been in cases of that kind to withdraw the old Bill and then to introduce a new Bill in the amended form.

In the University Test (Dublin) Bill, above referred to, the Speaker expressed the practice of the House in these terms:

‘There is no principle’ more clearly laid down in this House than this. When a member has introduced a Bill to the House, it ceases to be in that member’s hands and passes into the possession of the House. No essential alterations in that Bill at any stage may then be made without the distinct order of the House. I may remind the House that that principle applies with special force when the House proposes to go into Committee *pro forma* on a Bill in order to meet the objections to that Bill raised on the second reading. Upon these occasions, it is clearly established that no alteration can be introduced in a Bill inconsistent with the general character of the Bill. The House has clearly laid down a clear course for members to take, if they desire to make any essential alterations in the Bill, of which they have

charge, at any stage. That course is to ask the leave of the House to withdraw the Bill and to present another instead thereof. That is the proper course to take, and that is the course which, as I understand, the Hon'ble Member proposes to take.'

'The case that we are considering is further complicated by reason of the fact that the old Bill, which is still pending, has not only been considered in the Committee and reported upon, but also the consideration of the Bill, as reported by the Joint Select Committee, has been approved by the House and decisions on several clauses reached. The Finance Member, by proposing to introduce his new Bill on the same subject, endeavours, in effect, to make material alterations, not so much in the old Bill as introduced, but in the Bill as amended by the Joint Select Committee, and, furthermore, in the decisions already reached by the House.

The rule of practice, enunciated by the Speaker of the House of Commons in the cases above referred to, applies, therefore, with greater force to this case. If the Finance Member had chosen to continue the old Bill, he could not have made any motion asking the Assembly to reconsider its decision in favour of the State Bank as against the Shareholders' Bank. It cannot be argued that the rule against repetition applies to motions made during the same Session, and therefore, there would be no objection to the reopening of the question of State *vs.* Shareholders' Bank in the following Session. In fact, the Finance Member could not have got an opportunity to reopen the question, as the Bill would have been taken up for consideration from the stage at which it was left over, and no President would allow the Finance Member or the Assembly to go back on the clauses of the Bill already passed. If, therefore, the Finance Member could not have reopened the question of State *vs.* Shareholders' Bank in the ordinary course, he is, in my opinion, not entitled to do so by resorting to this extraordinary procedure.

The practice of the House of Commons that a member desiring to make substantial alterations in the Bill introduced by him can only do so by withdrawing the Bill with the leave of the House and introducing a fresh Bill in an amended form is, in my opinion, based on considerations of the propriety of parlia-

mentary procedure, and has no relation whatever to the rule against repetition. If any motions in connection with the new Bill are otherwise barred by the rule against repetition, it is difficult to understand how the withdrawal of the old Bill can save them from such bar. I am not, however, called upon to express any opinion on this question at present.

There is one other point to which I should like to refer before I conclude my observations. The position of the Assembly has been rendered much more difficult in this case by reason of the fact that the new Bill has already been published in the Gazette of India under the orders of the Governor-General, presumably on the advice of the Governor-General in Council. This procedure has deprived the Assembly of the opportunity of refusing leave to introduce the Bill during the pendency of the old one on the same subject as a protest against the method adopted by Government in dealing with the Reserve Bank Bill. That being so, it is now for the Chair, as the sole interpreter of the Rules and Standing Orders of the House, and the guardian and protector of its rights and privileges, to intervene. Holding these views, and taking the fullest responsibility for my decision, I unhesitatingly affirm that the method proposed to be adopted by the Finance Member violates the proprieties of the House and is an abuse of its procedure, and, I, therefore, regret, I must decline to call upon him to introduce his Bill.

There are now two courses open to Government: (1) To withdraw the first Bill with the leave of the Assembly if it is given, and introduce the proposed new Bill. In suggesting this course I desire to guard myself against conveying any impression that the withdrawal of the old Bill will remove all difficulties in the way of the introduction of the new Bill in this Session. (2) The only other and safer course for Government is to allow the first Bill to disappear from the pending list of business by lapse of time, and then introduce this Bill. (Vide proviso to Standing Order 4 (2)."

On the 6th of February, 1928, Sir Basil made the following statement in the Assembly:

The Honourable Sir Basil Blackett (Leader of the House):

"I ask your leave, Sir, and the leave of the House to make a

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statement first of all in regard to the course of action which the Government propose to adopt as the result of your ruling on the question of the introduction of a new Reserve Bank Bill, and, second, in regard to the business of the House during this week.

“The Government of course bow to your ruling. The question is how to deal with the situation it creates. In order, however, to make the position regarding the Reserve Bank Bill clear, it is necessary that I should begin by saying a few words as to the reasons for the Government’s original decision to introduce, and proceed with, a new Bill rather than proceeding with the consideration of the old Bill. The courses apparently open to the Government were:

- (1) to move for the withdrawal of the old Bill with a view to proceeding with the new one;
- (2) to proceed with the new Bill without making any motion for the withdrawal of the old Bill; and
- (3) to proceed with the old Bill with the intention of getting it transformed eventually into consonance with the views of the Government as set forth in the new Bill.

“I said something on Wednesday about the Government’s objections to the third course. Those objections have now to be reconsidered in the light of the new situation, and I must revert to them later. In regard to the first two, it was clear that, if a reasonable opportunity was to be given for the public in India generally and Members of the Legislature in particular to acquaint themselves fully with the new proposals of the Government, it was necessary that the new Bill should be published in the Gazette as long as possible before the opening of the Session. It was clearly not practicable to await the opportunity of securing the adoption in this House of a motion for the withdrawal of the old Bill before publishing the new one. Moreover, in the absence of knowledge of what the new proposals of the Government were, the House might very reasonably have objected to agreeing to the withdrawal of the old Bill. Further, the Government were aware that difficulties of procedure might arise in regard to a motion for the withdrawal of the old Bill and that, even if such a motion were accepted by the

House, it would not necessarily clear away all possible impediments to the unhampered consideration of the new Bill. The Government therefore decided at an early stage of their examination of the question against any procedure involving a motion for the withdrawal of the old Bill. They have noted with interest that an important passage in the statement which you, Sir, made last Wednesday confirms the correctness of their conclusion. It seemed, therefore, to the Government that the best course was to publish at the earliest possible moment the text of the new Reserve Bank Bill and to decide in favour of proceeding with the new Bill without making any motion in regard to the old. They were unaware that this procedure would or could be regarded as irregular, and assuming its regularity, they held that it was the one most conducive to the dignity and convenience of this House. This procedure has now been ruled by you to be impracticable. The Government have stronger reasons than before for their conclusion that the alternative of moving for the withdrawal of the old Bill will not serve their purpose or that of this House. They are not prepared to abandon altogether the attempt to bring a Reserve Bank into existence at an early date without giving the Legislature a full and clear opportunity of deciding for itself whether it wishes, as the Government believe that it does wish, to secure the establishment of a Reserve Bank on sound lines in India. The Government indeed feel that this House would have cause for dissatisfaction if difficulties of procedure, independent of the merits of the measure in question, were to result in the indefinite postponement of the consideration of this important subject.

“There remains therefore the third course, namely, to proceed forthwith with the consideration of the old Bill from the point reached in our deliberations last Session. The Government do not conceal from themselves and have not concealed from the House that this course is open to certain objections and involves some inconveniences both to the Government and to the House. Since the publication in the Gazette of January the 14th of the new Reserve Bank Bill, members have been made acquainted with the form in which the Government would like to see the Reserve Bank Bill passed. If we now proceed with the old

Bill, it is inevitable that some portions of the Bill, including some even of those Clauses which have not yet been disposed of by this House, cannot be recast at this stage of the discussion into a form in which they are likely to prove finally acceptable to the Government. Nevertheless, in order that a piece of legislation on which so much labour has been spent and so large a measure of agreement has been achieved by the all-round co-operation of all parties in the House — a co-operation which I gladly take this opportunity of acknowledging with gratitude — in order that a measure which the Government believe to be generally regarded as fraught with promise of great benefit to India as a whole may not be jettisoned without, at any rate, one further effort, the Government have come to the conclusion that their best course and the course which will most commend itself to the House will be to resume forthwith consideration of the old Bill. The Government observe that this course was actually recommended by certain speakers on the other side of the House last Wednesday. It is the Government's hope that we shall now be able to turn our minds away from points of procedure and bend our united endeavours to so shaping the measure as to secure the maximum benefit to India." (Applause).

Accordingly, the House proceeded with the consideration of the old Bill at the stage at which it had been adjourned, that is, with Clause 8.

Clause 8 related to the Constitution of the Board of the Reserve Bank. The Government were anxious to see that the Legislature had nothing to do with the election of the Board so that political influences may be avoided in the working of the Bank. Several amendments to the Clause, including one on the above lines were passed. When the Clause as amended was put to the vote, it was found that Maulvi Abdul Matin Chaudhury who wanted to vote in the Noes lobby, was not being allowed to vote, because when he first went into the lobby, he had declined to vote. The President after some inquiry allowed him to vote as he wished, as the result was not announced till then. The Clause was negatived by one vote, 49 voting for and 50 against it. This happened on the 8th of February, 1928.

Apparently the Government whips were caught napping

and, on a division, the Government was beaten by the majority of one.

It was rumoured at the time that several members of the Opposition had been carefully concealed in an out-of-the-way room, and that the Government whips had been misled into thinking that they had a clear majority, but when the division bells rang these gentlemen came out and raised the Opposition strength as high as was necessary for majority being obtained. The defeat of the Government on this Clause provoked tremendous enthusiasm, and it was expected in many quarters that this defeat would mean the end of Sir Basil Blackett.

The general political temper was feverish; there was clearly a veiled but very bitter animosity against the Finance Member and the condition of the House was what one may call 'nervy.' It seemed that there may be an outburst at any moment.

When the President proceeded to Clause No. 9, Sir Basil asked the President not to proceed with the Bill that day, as Government desired to reconsider their position and consider whether, in view of the voting, the House did not show that it did not desire to have a Reserve Bank at all. Further consideration of the Bill was resumed on the 10th of February 1928, when the following situation developed:

Mr. President: The House will now resume further consideration of the Gold Standard and Reserve Bank of India Bill Clause by Clause.

The question is:

"That Clause 9 do stand part of the Bill."

The Hon'ble Sir Basil Blackett (Finance Member): "Sir, before you proceed to put Clause 9, I should like, Sir, with your leave and with the leave of the House, to make a statement about the position which has been reached.

"The Government of India have carefully considered the situation created by the divergent conclusions in regard to Clause 8 of the Reserve Bank Bill arrived at by the Assembly last Wednesday and in particular the practical consequences of the final decision to omit the Clause. The main purpose of the Bill was to establish a Reserve Bank and thereby to transfer the control of currency and credit to an independent non-official body in

India and at the same time to effect far-reaching reforms in the monetary and banking machinery in India. Government had reason to believe, and they still believe, that informed opinion in the country is generally in favour of the establishment of a Reserve Bank, and the House has on more than one occasion affirmed the principle. In proceeding with the old Bill, the Government were actuated by the desire to give the Assembly a clear opportunity of deciding for itself whether or not it wanted a Reserve Bank on sound lines. The Assembly has now had that opportunity. The decisions taken by it on Wednesday are none too easy to interpret and might almost be said to have been contradictory. But the decision to omit Clause 8 was in any case quite clearly a wrecking amendment and it renders any attempt to proceed with the Bill, if not impossible, at any rate unseemly. This would be true even if both the Government and the House were unanimous in desiring to proceed further. The vote in favour of the omission of Clause 8 is in fact very little different in its consequences from a rejection of the principle of the Bill. The Government feel, therefore, that they must construe the course of events on Wednesday as an indication of the absence of that measure of general support for the Bill among representatives of public opinion within the Assembly which they think they ought to have behind them in carrying through so important a financial reform. In these circumstances, while expressing their gratitude to those who have striven to secure for India the benefits of a Reserve Bank, they see no sufficient reason for pressing the Government view further upon the House. They must take it that the House prefers to continue the existing currency system and the existing machinery and methods of control of Indian currency and credit, which, though frequently criticised by some of those who have been most active in opposing this measure, have given signal proof of their efficacy and value in securing stable monetary conditions for India during the period which has elapsed since the passing of the Currency Act of 1927; and, in the absence of a more effective public demand for a change, the Government do not now propose themselves to take any further steps with a view to the introduction of the reforms which the Reserve Bank Bill was

designed to bring about. The Bill is, of course, still before the House. But, in the absence of any easy means by which we can usefully continue our consideration of the remaining clauses, I would suggest to you, Sir, that the debate should be adjourned. Should this course be agreed upon, I should be glad of an opportunity, before you adjourn the House for the day, of making a statement in regard to the further course of Government business."

After the statement of Sir Basil, member after member pointed out that it was the Secretary of State for India who was at the bottom of the whole mischief. Sir Basil could not repudiate that charge. Lajpat Rai, in particular, expressly said: "The mandate came from high above, from the place where the destinies of India are decided by one man, and he (Sir Basil) had to submit." Shanmukham Chetty said: "It was not because we were obstinate and unreasonable that negotiations broke down. It was because some unseen power ordered the Finance Member to stop negotiations that he (Sir Basil) unceremoniously dropped the Bill in Simla." Malaviya asserted that 'the Secretary of State or his representative interdicted the further progress of the Bill in September last.' Jinnah said: "The Finance Member went to England and spent some weeks, I suppose, in the company of the Secretary of State for India and in the corridors of the India office, and what was the result? Sir Basil announces a brand new Bill." N. M. Joshi drew the attention of the House to the convention, recommended by the Joint Parliamentary Committee and accepted by the Secretary of State, 'that where the Government of India and the Legislature agreed on a Financial measure the Secretary of State should not interfere', and added that this convention was broken by the Secretary of State himself.

So, we see that, among the several reasons why this attempt to introduce 'a big reform' failed was this feeling that the Government of India was being coerced from White Hall.

Vithalbhai congratulated the Government on their decision to drop the Bill altogether, and the Opposition on the sigh of relief on their part, and thought that the decision relieved the Chair of further trouble in connection with this Bill. But

Jinnah stepped in to show that his troubles were not quite over. Government had not moved a formal motion of adjournment and were not in a mood to move one. K. Ahmed, however, came to the rescue of the Government, and moved that the consideration of the Bill be adjourned *sine die*, and that motion was adopted.

It was a curious coincidence, that on the very day on which the Assembly devoted itself to speeches over Vithalbhai's grave, there was introduced for its most critical stage of discussion a new Reserve Bank Bill in the place of the one which was lost as a direct result of one of Vithalbhai's most disputed rulings

Chapter Thirty-One

GUJARAT FLOODS

ALMOST the first item of news which Vithalbhai received on his return to India from his European tour was of the devastation wrought by the floods that inundated the whole of Northern Gujarat during the monsoon of 1927. That monsoon had ruthlessly laid its stern and heavy hands on the whole of the innocent and poverty-stricken population of that region. The rainfall during the space of four days only, between the 25th and the 29th of July, amounted to between 42 and 54 inches, and covered an area of over 200 miles in length and about 50 miles in width. The colossal mass of the flood water recalled to the minds of people the allusions in the Vedic and Puranic literature of India to '*Pralaya*', and to Noaha's floods in the Bible. Village after village was swept away — cattle, cottages, cots, utensils — in fact, all the belongings of the village folk. Thousands of people were rendered perfectly destitute. More rains had yet to come and bitter winter was still ahead. The spiteful rivers — Vishwamitri, Shedhi, Vatrak, Dhadhar, Sabarmati Meshwo and Khari — swelled, burst beyond their banks, destroyed and carried away with them, in their galloping streams all that came within their reach. The riverside villages were obviously the worst sufferers in this great catastrophe. During the four days of this continuous downpour, people sat either on house-tops or on the tops of trees, thoroughly drenched in water, and shivering in the cold, chill and blasting winds, and saw, with their own agonised eyes, their homes crumbling to pieces and their belongings swept away in the floods — themselves utterly and tragically helpless to retrieve the disaster in any manner whatsoever. If villages were in this condition, district towns were not much better off. They too were marooned. Rail and telegraphic communications were cut off. The city of Ahmedabad itself was threatened. The whole of the flood area had lost all contact with the world outside.

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The extent of damage and devastation wrought by the floods can be gauged from the fact that, in the end, an area of about 10,000 square miles constituting the 'fair face of Gujarat' was disfigured beyond all recognition. The number of houses that fell, or were irretrievably damaged, in the whole of Gujarat, inclusive of the territory in the then State of Baroda, was enormous. At the lowest estimate, no less than 4,000 villages were affected; and the percentage of irretrievably damaged houses in each of them varied between 50 and 90. In the Kaira district alone, not less than 72,000 houses had fallen, and in the district of Ahmedabad, about 28,000. The total number of houses destroyed in this disaster was no less than 1,00,000. Besides the destruction of houses and the loss of movable property carried off by the floods, there were obviously several other invisible losses which the agricultural population had to bear. The flood waters had, on an average, risen to $4\frac{1}{2}$ feet above the average soil level of the flood-stricken area. Such a phenomenal mass of water could not but have its withering influence on the soil. The fertility of the 'garden of Gujarat', whose land consisted of loose grains of soil, was permanently lowered by the action of this fast-moving mass of waters which swept away before them all these loose grains of the fertile soil. On the river banks, and wherever the waters had rushed with more than the average velocity, soil erosion had taken place on a very vast scale. In the Matar taluka alone of the Kaira district, not less than 2,000 acres of land was completely lost to agriculture on account of soil erosion. Lastly the once fertile lands of several river-side villages were rendered more or less barren by deposits of sand on them. Wherever the sand layer is thick (from one to three or more feet) crops systematically fail, and this was what happened in so many of these villages — particularly those in the Kaira district, along the banks of Shedhi, Vatrak, Meshwo and Khari, and, in the Baroda territory, those along the banks of the Dhadhar river.

On his return, Vithalbhai would fain have immediately run up to Gujarat, but as the Simla Session had to begin on the 18th of August, he had to deny himself the satisfaction of being on the spot to do anything for the alleviation of the distress of

Gujarat. Instead, he opened a Relief Fund in Simla and himself contributed Rs. 10,000 to it. On the 10th of August, he sent the following telegrams to Vallabhbhai and Mahatma Gandhi, and on the 11th, he received the replies, as under, from them:

Mahatma Gandhi Bangalore

Wire permission enable me contribute ten thousand rupees
Gujarat Relief Fund—Patel

Vallabhbhai Patel, ... Ahmedabad

Propose contribute ten thousand myself and open a fund
here wire advice. Vithalbhai.

Hon'ble Vithalbhai Patel,
Assembly, Simla.

Your wire most decidedly contribute as much
as you like. Gandhi.

Prelegas Simla.

Regret could not meet Bombay owing impossibility leaving
relief work glad you safe return home agree your contribut-
ing starting fund combined efforts of all alone can relieve
Gujarats agony please give detailed idea your work in England
—Vallabhbhai.

On the 12th of August, Harilal Desai, then the Minister of
Education, and in charge of the Medical and Public Health
Departments of the Bombay Presidency, wrote the following
letter to Vithalbhai:

Ministry of Education, Bombay.
Poona, 20 Queen's Gardens,
12th August, 1927.

My Dear Vithalbhai,

I regret I could not have the pleasure of meeting you on
your return owing to the Council Sessions here.

The calamity on (of) Gujarat cannot be imagined much less
described. The letters pouring in from the countryside are full of
piteous tales. The rural population has suffered great hardships
and damage. Except (without) Government help on a lavish scale,

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the agriculturist cannot be set up on foot again. More than this, the poor middle class who cannot beg and would not accept charity openly are the hardest hit. Secret help and cheap grain shops are a prime necessity. Government here is doing all it can; but some at the helm of Departments have lack of imagination. Timely assurances go a great way to give hope and courage to the afflicted; but John Bull is always muddling, though well-intentioned.

The Famine Fund must be available at such a juncture. All objections to its use must summarily be brushed aside, and its use at this juncture requires to be early announced. Our sympathetic Governor is trying his best; but Government of India should give him all support in order to enable him to early announce that the Famine Fund will be available. Nay, the Government of India have a Famine Fund, I understand. The Bombay Government have approached Government of India for help from it. Will you kindly try your best to get help from that fund?

You can do a lot at this juncture. If Government could assure that remissions of land revenue would be given where necessary, it would give heart to the people. The Finance Member has gone on a Gujarat tour. The Revenue Member will follow. I, as Minister-in-charge of Medical and Public Health (Departments), am going on the 19th to Gujarat, and the Minister of Agriculture will go with me. We are doing our best; but Government of India should give timely help and support in the relief measures.

With regards,

Yours sincerely,
(Sd) Harilal Desai**h**ai Desai.

P.S. We understand that Government of India have got a Famine Fund which ought to be available. There is no one better able to tackle it than yourself.

(Sd) H.D.D.

Vithalbhai received this news of the unprecedented floods and the consequent miseries and woes of the innocent victims of these floods in his own dear province of Gujarat from several

quarters. He received it with calm composure and dignified resignation. Such great calamities do not call for undue haste. Practical solutions have to be found by cool calculation. Charged with an overwhelming sense of grief at the sorrows and sufferings of his fellowmen, he, for one moment, thought that he must hasten down to his province immediately and share with them their common woes. But, on second thoughts, he changed his mind. A serious conflict agitated his mind. Was he not a son of Gujarat, and was it not his duty to be with his people in their hour of trial and distress? Did he not owe any duty to his constituents? On the other hand, could he neglect his duties to the country, as a whole, by absenting himself from the Assembly over which he was called upon to preside by the unanimous vote of the House? He had to strike a path which could be consistent with both these apparently conflicting duties of his. And he did so, first, by devoting himself wholeheartedly to the collection of as large a Fund as was necessary for the relief of the sufferers, secondly, by getting the Legislature, the Viceroy and the Government of India to take as large an interest as possible in this matter, and thirdly, by resolving to run down to Gujarat immediately after the close of the Simla sitting of the Assembly which was to end on the 20th of September.

His appeal for ungrudging help in the great humanitarian work of relief received the most satisfactory response from the whole of India, and, within a short time, the collections reached the figure of well over a lakh of rupees. Such an amount could hardly have been raised by anyone else, singlehanded, at that time, but Vithalbhai; and he could do it, partly because of his status as the President of the Assembly, but largely because of his amiable personality which inspired honour and reverence for him personally amongst those with whom he happened to have come into close contact. In passing, however, it may be mentioned that even for these collections, he would not touch a pie which was tainted. The ex-Maharaja of Nabha had shown his willingness to subscribe to this Fund a sum of Rs. 50,000, if only Vithalbhai would agree to allow the questions about his extenuation orders being asked in the Assembly. Vithalbhai promptly spurned these overtures.

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Then, between the 10th and the 18th of August (on which date the Simla sitting of the Assembly began), he had already enlisted the sympathy of the Viceroy in this cause, and on the opening day itself of that sitting, i.e., on the 18th of August, the matter came up before the Assembly in the shape of a Resolution moved by Rangaswami Iyengar. Vithalbhai had all along been keeping himself in close touch with the relief activities undertaken by the various relief agencies including the Government of Bombay and the Gujarat Provincial Congress Committee. He had come to know, from several quarters, of the dilatory procedure and the indecisions of the Provincial administration. It struck him that a move by the Central Legislature by way of a Resolution would not only give an impetus to the collection of relief funds, but might also goad the Provincial Government to take adequate and prompt measures under the moral pressure that such a Resolution, and the discussion that would follow, would bring to bear on them. This was the genesis of the Assembly Resolution, and there is hardly any doubt about the Resolution having been tabled by Rangaswami at the instance of Vithalbhai himself. In his Resolution, Rangaswami had included Orissa (and Malaviya, later, got Sind included in the list) for similar sympathy and support, and it is noteworthy that from the Collections made by Vithalbhai for Gujarat, Vithalbhai sent Rs. 5,000 for the relief operations in Orissa.

The Resolution finally adopted ran thus:

“That this Assembly resolves to place on record its deep sympathy with the people of the whole of the Province of Gujarat and parts of Orissa and Sind in their distress in consequence of the unprecedented floods that have caused widespread famines in the areas affected, and requests the President to convey the sympathy of this House to the sufferers. This Assembly trusts that the Government as well as the Princes and the People of India will do all that lies in their power to help in alleviating the distress of the sufferers.”

While moving this resolution Rangaswami referred first to the great havoc wrought by the floods. And then addressing the Chair he said:

“Your own province, Sir, according to the conventions of

this House remains unrepresented by reason of the fact that you have chosen to be the mouthpiece of the whole House, and it therefore rests doubly upon us here on this side of the House to take up the cause which you would otherwise have taken up with great application and devotion."

Referring to Vithalbhai's decision to rush to his woe-begone Province, as soon as he was free to do so, Rangaswami said:

"It has pleased us not a little to find that amidst your arduous duties you have announced your decision to dedicate your services to the relief of this suffering in Gujarat under the auspices of the Congress Committee. We here are proud to own a President who has taken upon himself this great and humanitarian work."

After recounting the wide range of reconstruction problems that had to be tackled, Rangaswami recalled to the House the responsibility of the Central Government in that behalf. "In this state of things," he said:

"It is the duty of the Central Legislature to take account of the situation and come to the rescue of these distressed provinces." He added: "It is the duty of the Central Government, notwithstanding the fact that this particular department may have been provincialised, to come forward and offer to help the provincial authorities by grants and by every other means by which they can help them."

Lastly he referred to rumours that the application made by the Bombay Government for grants out of the Famine Insurance Fund, or out of Indian Peoples' Famine Trust Fund, were not promptly responded to by the Central Government.

Sir Basil, then the Leader of the House and the Finance Member to the Government of India, in associating himself, on behalf of the Government, most sincerely and sympathetically, with the motion, assured the House and the people of Bombay that the Government of India were doing all in their power to assist in the matter. Refuting the rumours about the Central Government's unsympathetic attitude towards the Bombay Government's requests for leave to use moneys out of the Famine Insurance Fund, Sir Basil said that there was no foundation whatever for that allegation. "In fact", he said, "the Govern-

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ment of India have received no request from the Government of Bombay in regard to the Famine Insurance Fund, and that, for the simple reason that it is within the power of the Government of Bombay to draw on that Fund for such purposes as these, which are within the ambit of the Fund."

As regards the People's Famine Trust Fund, the Finance Member confessed that the Government of India had received an application in that behalf from the Government of Bombay. He assured the House that the needful was being done in that respect, and that as promptly as possible, and that he had already called a meeting of the Committee which managed that Fund.

While endorsing the Resolution to the House Vithalbhai made a few observations. Among other things, he said: "In expressing your sympathy with the people of Gujarat you are also expressing your sympathy with your President. As you are aware, I am the representative from Gujarat. Gujarat is my constituency and any calamity on the people of Gujarat is a calamity on me *personally*. I cannot say how much I feel on the matter and the motion of my friend Mr. A. Rangaswami Iyengar speaks for itself. Had it not been for the fact that you have called me to this Chair I should have been today with *my people* assisting the President of the Gujarat Provincial Congress Committee, in the great and noble work of relief operations which he has inaugurated." He then referred to and read the letter which he had received from the Viceroy, dated the 17th of August, 1927, in which the Viceroy had expressed his desire to associate himself, as the head of the Indian Legislature, with the Resolution that was to come up before the Assembly. The Viceroy had also sent his own subscription of Rs. 500, in response to Vithalbhai's appeal for relief funds. The Resolution was adopted unanimously. The terms of the Resolution were, it was decided at the instance of the President, to be communicated forthwith by wire to the Governors of Bombay and Orissa, as also to the respective Presidents of the Provincial Congress Committee.

Within less than a week after the Simla Session concluded its deliberations, Vithalbhai, who had longed to be on the spot

since he first heard of the disastrous floods, was at Nadiad, to participate, personally, in the flood relief work. Before he left for Gujarat he had fixed up an appointment with the Viceroy in Bombay. Irwin had agreed to attend a dinner party which Vithalbhai had proposed to hold in his honour in the month of December during his state visit to Bombay. Ultimately this party did not come off, as Irwin could not spare the time in Bombay. The two relevant letters quoted below explain the situation. Vithalbhai did give a dinner to the Viceroy in December. But that was in Ahmedabad, and not in Bombay.

*VITHALBHAII'S LETTER TO THE PRIVATE SECRETARY
TO THE VICEROY*

Bantony,

Simla, 24th September, 1927.

Dear Colonel Harvey,

During the course of my interview with His Excellency to-day, I requested him to dine with me one evening during his stay in Bombay in December next. His Excellency told me that he would try and fix up a day and asked me to write to you to remind him of the matter. Will you, therefore, kindly show this letter to His Excellency, and let me know the day that will suit his convenience?

I am leaving for Gujarat tomorrow, and propose to live and work among the sufferers there till the end of November. My headquarters will be:

Nadiad, B.B. & C.I. Rly.

I am,

Yours sincerely,

(Sd) V. J. Patel.

Colonel C. O. Harvey, C.V.O., C.B.E., M.C.

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COL. HARVEY'S REPLY

Viceregal Lodge,

Simla,

10th of October, 1927.

Dear Mr. Patel,

I have delayed answering your letter of September 24th

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because His Excellency was very anxious to fit in an evening during his visit to Bombay on which he could accept your kind invitation to dinner.

After full consideration he has reluctantly come to the conclusion that it will not be possible for him to spare an evening. As it is, he only has two free nights and he feels that he must leave himself at the disposal of his host, Sir Leslie Wilson, for these two nights. He will very much like to dine (with you) some time and hopes it will be possible to arrange that either in Delhi or in Simla next summer.

I hope your work amongst the sufferers from floods is progressing well and that you have found that the distress is not so acute as was first believed. His Excellency has now practically arranged to spend two days in that area on his way to Bombay, one at Ahmedabad and one in the Nadiad district. I have written to the Governor about this and the Commissioners of the districts are being asked to suggest programmes.

With kind regards,

Yours sincerely,
(Sd) C.O. Harvey.

The Hon'ble Mr. V. J. Patel,
Nadiad,

B.B. & C.I. Rly.

While Vithalbai was busy with the Assembly in Simla, the people of Gujarat forgetting all their domestic petty-mindedness, had risen to one grand effort at mutual help under the able guidance and leadership of Vallabhbhai, who was at that time the Mayor of Ahmedabad and also the Chairman of the Gujarat Provincial Congress Committee. An emergency relief organisation consisting of about 2,000 selfless and indefatigable workers sprang up immediately, and before officialdom could realise the nature and extent of the disaster and take their directions, for the necessary relief activities, from the Poona Secretariat, the Congress relief machine had begun working at full speed. Gandhiji who was at Mysore at that time recouping his health which had been impaired by one of his characteristic whirlwind tours round the country, offered to run down to Gujarat, but the Sar-

dar brushed aside that offer and preferred that his province should give an ocular demonstration of how the Mahatma's teaching had leavened the social strata and fired the men with the spirit of service. Congress workers and volunteers carried provisions to the marooned villagers as also to Government officials who were in no better plight. Politics was shelved off completely in these times of distress and dire needs. Even the District Magistrate of Kaira gratefully accepted Congress help in the shape of provisions, after being cut off from the outside world for a number of days! For a week or so, the Government machinery had completely broken down, and the officers at the headquarters had been awaiting reports from their subordinates in the districts about certain areas which were regarded as unapproachable. While Government workers were in this quandary, the Congress organisation was busy distributing relief and giving succour to all those who were in distress, even in the remotest villages. It was a unique demonstration of self-help and mutual assistance by an intelligent and resourceful populace charged with the Spirit of Service.

It was during the management of these affairs that the Sardar's sterling worth, tested on the touchstone of organization and selflessness, shone forth in full splendour and radiated its rays all over the country. In fact, the whole of India knew him well only during this calamity of Gujarat. As usual he took counsel with his brother in this affair as in all other crucial matters, and the way in which the brothers co-operated could hardly leave room for anything more to be desired.

But, though the Congress Relief organisation did solve the immediate problems of the distressed area, the magnitude of the disaster was beyond the power of any non-official or any merely popular agency to cope with. The immediate relief work, by way of distribution of food and other elementary necessities of life being over, the problem of resowing the crops, reclaiming the lands and rehabilitating the homeless population faced the people as well as the Government. Bureaucracies all over the world, and more so, the irresponsible ones of India, have always been conspicuous for their delay and indecision in whatever function they are called upon to discharge. The Bombay Gov-

ernment hesitated and wavered at a time when valuable days were passing off and the time for resowing was being lost. The intelligent public of the province of Gujarat, however, could not merely wait and see. They compelled the Government to move promptly in the matter. Even the unwilling Government of Sir Leslie Wilson had to declare their policy in time, and ultimately did earmark a sum of Rs. 154,00,000 out of the Famine Insurance Fund set apart from the general revenues, as also the ordinary loan-grants under the Agriculturists' Loan Act and the *Takavi* grants for the distribution of relief to the cultivators by way of easy loans with which to purchase the necessary agricultural equipment implements, bullocks and building materials for houses. The citizens of Bombay too set up a non-official body called the Central Relief Committee, and this body collected a large fund in aid of the distressed population of Gujarat. The Provincial Committee, working in close co-operation with the Central Relief Committee, distributed relief during the ensuing months throughout the whole of Gujarat and, in fact, so efficient was the Congress organization that all the other relief distributing agencies — including Government themselves — had to, and did utilise it as their medium of operation. Sir C. V. Mehta, then the Finance Member of the Government of Bombay, made a graceful gesture, at the Relief Conferences held at Nadiad, Anand and, subsequently, at the centre of the relief organization, by inviting Vallabhbhai and other Congress workers to participate in them and further, by accepting the Congress as their own medium for the distribution of relief. Besides the amounts released by Government nearly Rs. 3,00,000 was collected by the Congress and other non-official bodies working together. The Government, the Congress, the Baroda State and several popular relief organisations worked together, and were blended into one vast organisation, devoted to the making of a huge effort at reconstruction under the lead of the Congress.

The Simla Session of the Assembly was over on the 20th; Vithalbhai left Simla on the 25th and arrived at Nadiad on the 27th of September. Immediately on his arrival at Nadiad, which had become the centre of the relief organisation, he put himself in touch with the various official and non-official agencies,

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particularly with the Congress organization which had been working under the guidance of Vallabhbhai, and the Government organisation which had been working under Mr. Garrett, the Special officer for this work appointed by the Government of Bombay. Hereafter, the reconstruction work, as a whole, came almost entirely under the guidance of Vithalbhai himself. Government machinery, which had been creaking at every step, and now and again, so far, now started functioning quite smoothly and with more efficiency than ever before. That there were some hitches, now and again, and that the situation was remedied on the intervention of Vithalbhai, is quite apparent from the following letter of Sir Leslie Wilson, the then Governor of Bombay, to Vithalbhai, dated the 30th of October, 1927:

SIR LESLIE WILSON'S LETTER TO VITHALBHAI Government of Bombay.

Governor's Camp,
Jamkhandi.
30th of October, 1927.

Dear Mr. Patel,

I received your letter this morning when on tour, and had already heard from Mr. Garrett and felt sure that any (the?) slight misunderstanding had been cleared up and that all would be well in the future. I am extremely glad to hear that the official and non-official agencies are now running well together.

I shall be very glad to see you in Bombay and hear your report on the damage to the agricultural land in the affected areas. I know, of course, that a good deal of damage has been done in some parts and the local officers have been ordered to advise as to the best steps which can be taken to give relief.

I certainly accept your advice about the President of my Legislative Council, but, as a matter of fact, the first thing that I told him when he took office was that he should know the rules and standing orders by heart, and I have encouraged him in every way to study the procedure of the House of Commons, giving him advice myself and lending him the procedure book

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and copies of Hansard. I will, however, have another talk with him on my return.

Yours sincerely,
(Sd) Leslie Wilson.

The Hon'ble Mr. V. J. Patel,
President of the Legislative Assembly.

Throughout the months of October and November, and, in fact, from the 27th of September, Vithalbhai was busy meeting the sufferers in their villages, and giving them such consolation and practical relief as he could. On the 27th and the 28th of September, he visited the villages of Sandhana, Matar and Lam-bhvel. Here he made it a point, particularly, to mix with the Muslims and the Depressed Classes of these villages and ask them what the extent was of the deterioration of the soil as a result of the washing away by floods of the manure. On the 30th, he visited the villages of Khandli, Napa, Dedarda, Borsad and Bhurnel. On the 1st of October, he visited Matar and Vasna, and on the 2nd, he opened the Khadi Exhibition at Nadiad, and took part in the Gandhi Day Celebrations. Here, while congratulating the Congress workers on the splendid part they had played in the relief work, he said that he was particularly glad to find officials and non-officials, Government and the Congress, working hand-in-hand for the distress-stricken masses of Gujarat. Referring to Khadi, he said that he was not Khadi-mad, but that he was a great believer in Khadi, both in its economic and political aspects. He added, however, that they could not popularise Khadi by any rules and regulations in the Congress. On the 3rd of October, Vithalbhai visited Vina, Mahuda, Bhaner and Kathlal. At Vina he was informed that the river Shedhi had deposited its sand on about 600 out of a total of 1900 acres of land in that village. In several of these villages, Vithalbhai found that the sand-layers ranged between six inches to two feet, and that the bulk of such land had become absolutely unfit for cultivation. At Bhaner, he learnt that the floods had water-logged about 400 acres. Vithalbhai thought that the real remedy

for these disasters was a sound system of drainage. Between the 10th and the 13th of October, Vithalbhai was in Poona, particularly watching the conduct of affairs in the Bombay Council from 2 to 7 p.m. every one of those days, and taking notes of several points of procedure. On the 16th, he was once more at Nadiad, and on the 17th he visited the villages of Manjipura and Aljada. On the 19th, he visited Dakor and Muliad, in the company of Dadubhai Desai. During the last week of October a meeting of all the leading relief workers of Gujarat was held under the Presidentship of Vallabhbhai, at Vithalbhai's residence in Nadiad, to consider a scheme for the reconstruction of houses in flood-stricken area. At this meeting, feasible plans were laid down for this work and the work was entrusted to strong committees presided over by Vallabhbhai.

On the 26th of November, Vithalbhai laid the foundation of a model village in the Mehmabad taluka of the Kaira district. The village of Dantwa was completely washed out by the floods, and it had to be reconstructed. The relief workers were keen on creating an ideal village, and they succeeded in carrying out their object, before Vithalbhai returned to Delhi. It is noticeable that they named this village after Vithalbhai, and called it Vithalpur.

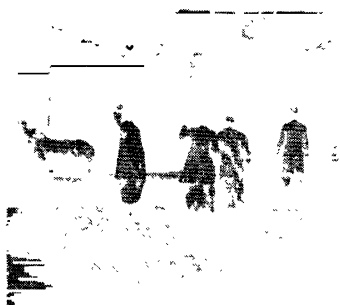
In the meantime, in spite of the fiasco about the announcement of the Simon Commission on the 8th of November and the consequent unsettling of Vithalbhai's mind, accompanied by an anxious and confidential correspondence with Irwin on that matter, Vithalbhai had persuaded Irwin to agree to a Viceregal tour round the distressed area, during the course of his state visit to Bombay, and also to a dinner with him at Ahmedabad. It is interesting to note that, in his letter, dated the 12th of November, to Irwin which includes a good deal of matter which is very confidential, he had written:

"For several years I have been a staunch advocate of total prohibition and, on principle, I taboo all alcoholic drinks from my table. I hope Your Excellency will not mind if I observe that rule on this occasion also." and that, in his reply to him, dated the 16th of November, Irwin had said:

"As regards the observance of alcoholic prohibition at your



Gujarat Flood Relief Inspection



Vithalbhai and Vallabbhai at Vithalpur



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dinner, I am of course entirely in your hands and should not dream of doing anything but respect the principles of my host."

In his letter to Col. Harvey, the Private Secretary to the Viceroy, dated the 30th of November, Vithalbhai writes:

"His Excellency will be glad to know that Mr. Vallabhbhai Patel, President of the Ahmedabad Municipality and the chief relief worker in Gujarat, has consented to join the dinner, *though he is a staunch non-co-operator.*"

In his letter to Irwin himself, dated the 3rd of December, he writes:

"Your Excellency will be glad to know that, besides the members of the Bombay Legislative Council from Gujarat, Your Excellency will meet a few prominent relief workers at my tea party at Nadiad. These relief workers are orthodox non-co-operators, having no faith whatever in the Council programme. They are believers in mass-movement, and have consistently refused, for the last several years, to have anything to do with functions held in honour of Government officials....

"Your Excellency will have some real idea of the damage caused by the floods to the houses and agricultural land when we visit villages in the Kaira district."

On the 10th of December, Vithalbhai wrote the following letter to the Viceroy:

Nadiad,

10th of December, 1927.

My Dear Lord Irwin,

Permit me to express and place on record, on behalf of the people of Gujarat, our very deep sense of gratitude to Your Excellency for visiting us at this juncture as a mark of Your Excellency's practical sympathy towards the unfortunate victims of the havoc wrought by the unprecedented floods. To me, personally, it is a matter of genuine pleasure that Your Excellency has found it possible to pay a visit to my constituency. In doing so, Your Excellency has demonstrated to my people that though their representative in the Legislative Assembly is disabled from attending to their grievances by the ordinary methods of securing redress, the Government of India were not unmindful, and were always ready to look into the legitimate complaints of the

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Speaker's constituency. Indeed, if I remember right, I did actually draw Your Excellency's attention about a year ago to the fact that, as a result of my election to the Chair, my constituency had remained without representation, and Your Excellency then told me that the Speaker was in a much better position to have the grievances of his constituency redressed by an informal talk to the Ministers concerned. Such was the practice, Your Excellency further added, in the House of Commons. By this visit at my request, Your Excellency is perhaps helping to create such a convention in this country too.

I trust Your Excellency's brief stay among my people has been both interesting and instructive.

Yours very sincerely,
(Sd) V. J. Patel.

His Excellency Lord Irwin, P.C.

An account of the Viceregal tour is best described in the following Associated Press message, dated the 11th of December, 1927:

His Excellency the Viceroy alighted from his saloon at 9 a.m., at Nadiad Station. He was received by Collector and Hon'ble Mr. V. J. Patel. Collector then presented to Viceroy principal officials and non-officials; among the latter were Mr. Vallabhbhai Patel, Darbar Gopaldas Desai and Rao Saheb Dadubhai P. Desai. Viceroy then accompanied by Collector, Hon'ble Mr. Patel, Mr. Vallabhbhai Patel, Executive Engineer, Assistant Collector and Rao Saheb Dadubhai Desai left for Dabhan. On arrival (at) Dabhan, His Excellency left his car and was conducted on foot through part of village to see some of the fallen houses. Party then left for Sandhana where, on arrival His Excellency drove through village to see houses damaged by floods. From there party left for Matar. While crossing Vatrak river by temporary bridge to Wasna, His Excellency was shown portions of river bank where fields have been washed away. On arrival at Wasna His Excellency drove through village and then left his car in order to walk through fields on which sand had been deposited by floods and irrigation wells had been demolished. Party next proceeded to Kaira where on arrival

they had brief rest at Collector's bungalow, then drove through Kaira town. On way His Excellency left his car and proceeded on foot to see damage suffered by town walls and houses in Rabari Wada and locality of Ahmedabad Gate. His Excellency then returned to Nadiad at 1 p.m.

In afternoon Her Excellency and Lady Worsley also joined party and drove through Nadiad town to have view of damaged houses. They then went to Bilodra where on arrival Their Excellencies left back car and proceeded on foot to village site where they walked round part of village to see damages caused by floods to lands, wells and houses. They then left for Vina. On arrival car first drove towards fields on northern side of village. His Excellency then left his car and proceeded on foot to see fields damaged by floods, accompanied by Collector and Hon'ble Mr. Patel, but as it was getting late, His Excellency enquired of non-official workers and villagers extent of damage to houses and fields. At every village visited by His Excellency he was greeted by villagers and non-official relief workers. Khaddar dress and Gandhi caps were in evidence at every place. The party then left Vina for Nadiad where Their Excellencies and party drove to District Local Board Hall to attend a tea party given by Hon'ble Mr. Patel. This party was attended by members of Bombay Legislative Council from Gujarat and principal relief workers, also by some prominent men from Nadiad. Among relief workers Messrs. Vallabhbhai Patel, Laxmidas, Mohan Lal Pandya, Ravishankar, Shankarlal Parekh, Narhari Parekh, Chimanlal Dave, Imam Saheb, Maganlal Gandhi, Darbar Gopaldas and several others were present. The members of Legislative Council present were Rao Saheb Dadhubhai Desai, Haribhai Amin, Gordhanbhai Patel, R. B. Bhimbhai Naik, Dr. Dixit, Mukadam, Jeramdas Desai, Dr. Mansuri, Amritlal Shait, Jivabhai Patel, Shivdasani. Among prominent men from Nadiad were Gopaldas V. Desai, M. Samalbhai Desai, T. S. Parekh, President of the Nadiad Municipality; the Collector and Superintendent of Police were also present. After tea the Viceroy had a brief conversation with the members of the Legislative Council and relief workers individually and collectively. He then left for his saloon at 6 p.m., after having passed a delight-

ful afternoon and expressed his satisfatcion at the wonderful work done by the non-official agency to relieve the distress caused by floods. In every village His Excellency was greeted by the non-official workers who presented him with a petition detailing grievances of the locality concerned; Rao Saheb Dadubhai presented a petition for the whole district. His Excellency promised to consider those petitions and pass them on to the Governor of Bombay with whom he said he would discuss the whole matter. His Excellency gave special interviews in his saloon at Nadiad to Darbar Gopaldas, President of the District Local Board and a leading non-co-operator, and also to the President of the Municipality.

E.O.M.

P.A. to
the President, Legislative Assembly.

II-12-1927.

By this tour of his, not only did the Viceroy get a correct idea of the damage caused by the floods and of the sufferings of the poor people consequent on them, but the humble and ignorant peasantry of Gujarat, too, realised the value of their representation in the Legislature. The otherwise inaccessible gods of Simla and New Delhi appeared to them to be humble enough to visit their humble huts. (By the way, we might remind our readers that twenty years after this event, Vithalbhai's brother persuaded Mountbatten, as Vithalbhai had persuaded Irwin, to visit this part of the country). The humble peasantry felt highly honoured by the visit, to their humble huts, through mud and dust and turbid waters, of the all-powerful representative of His Imperial Majesty. Was not that a proof positive of the power of the people and the value of democratic institutions? This was the first occasion when the people of a remote constituency could — through their chosen representative in the Legislature — induce the virtual ruler of the whole of India to come to them and see for himself the wretched plight to which they had been reduced. This visit of the Viceroy gave the people of this region the opportunity, that they never could get so far, of placing, before the Head of the British administration in India, their multifarious grievances and the crying need for several long over-due reforms.

In almost everyone of the numerous addresses which the Viceroy received from the villages he visited, reference was made to the entire problem of rehabilitation and the need of a systematic improvement of the Agricultural industry, and everywhere the Government policy of Land Revenue came under a trenchant criticism. The Viceroy was made to see for himself, and with his own eyes, 'the blessings of the British rule.'

Along with the poorer people of the villages, as was to be expected, some rich people also gathered round the Viceroy and the Government officials. Their purpose in doing so was no better than that of fawning on the gods of Simla and Delhi. But Vithalbhai utilized this opportunity to make these rich men pay for the satisfaction they obtained of seeing these great men at close quarters. A rich Muslim gentleman of the locality actually distributed, at the instance of Vithalbhai, Rs. 10,000 to the poor, in honour of the Viceregal visit.

The dinner at Ahmedabad and the tea party at Nadiad were comparatively quiet affairs. The fact was Vithalbhai was anxious to make a statement about his position *vis-a-vis* the Simmon Commission at one of these functions. Irwin had full knowledge of what Vithalbhai had in his mind, and Vithalbhai had the benefit of Irwin's advice in the matter. But while Irwin was quite willing to discuss the matter quite freely with Vithalbhai, he had definitely advised Vithalbhai that, if he had decided to say anything publicly in the matter, he should not say it in his presence, or under any circumstances which might enable those who might wish to attack him (Vithalbhai) and to say that he had done it under his (Irwin's) influence. It was on this account that Irwin had insisted upon the dinner-party at Ahmedabad and the tea party at Nadiad to be quiet affairs. At the dinner, no alcohol was served, but there were toasts — toasts without speeches. Again, it was because there were to be no speeches at these parties that Vithalbhai wrote that letter, which we have quoted above, in which he thanked the Viceroy in his characteristic way, utilizing this Viceregal visit for the establishment of a salutary convention which was not established before, and happens not to have been established thereafter, in spite of Vithalbhai's special pleading in its favour.

After a stay of two months and a half in the flood-stricken area, Vithalbhai left Nadiad for Bombay on the 11th of December. On that day a leave-taking function was arranged in his honour. More than 5,000 people attended that function, and among those present were officials and non-officials, co-operators and non-co-operators. An address, detailing Vithalbhai's services to Gujarat was read on that occasion by Dadubhai Desai, who presided on that occasion, and it was presented to Vithalbhai, in a beautiful silver casket, on behalf of the people. Vithalbhai's reply speech was delivered in Gujarati. In the course of his speech, and while complimenting all the relief workers in the district, he pointedly drew attention to the fact that the attitude of the non-co-operators of Gujarat in co-operating with officials was being criticised in certain quarters. In his opinion, he said, they deserved to be congratulated instead. He said that Government, too, had a lesson to learn: that lesson was that just as non-co-operators in Gujarat co-operated with officials when they were convinced that Government was really sympathetic and meant to stand by the people at that juncture, they would be prepared to co-operate with Government in the sphere of political activities, also, if they could be convinced that there was a real change of heart on the part of Government resulting in conditions of mutual trust and goodwill. He particularly pointed out to the critics of those non-co-operators who co-operated with officials in this humanitarian work, that the Viceroy had visited Gujarat because of his sympathy for the sufferers and because he wanted to see for himself the havoc wrought by the unprecedented floods. He added that it should be remembered that the Viceroy went to Gujarat at the invitation of their own representative, and that, therefore, it was not right for non-co-operators to keep away on an occasion like that. He had hopes, he said, that the co-operation extended to the Viceroy by the co-operators and non-co-operators alike of Gujarat would lead to far-reaching consequences in course of time.

The function, needless to say, was a great success.



Chapter Thirty-Two

THE SIMON COMMISSION IMBROGLIO

ON the 8th of November, 1927, the Viceroy announced the appointment of the Simon Commission. This Statutory Commission was appointed under Section 84 (a) of the Government of India Act of 1919, which had provided for decennial reviews of the political situation in India, and was therefore due in 1929. Indian public opinion attributed the acceleration of the date of the appointment of the Commission to a desire on the part of the Conservative Government of England to dispose of this Indian problem, themselves, so that the Labour Party, if they happened to succeed them, should not be able to make any concessions to the Indian demand for Home Rule. This diagnosis of the cases is not quite free from doubt, in view, particularly, of the fact that the Commission had on it two representatives of Labour, one of the Liberals and four Conservatives and had full co-operation of all the principal political parties of England. It may also be remembered that the Conservatives could not, and did not, hope to complete the 'disposal' of the question, before the ensuing general elections which might put Labour in power. On the other hand, the Indian Legislative Assembly had been pressing since 1924, for a Round Table Conference for a revision of the Constitution with a view to the early introduction of Dominion Home Rule, and the question, though never disposed of, was on the anvil all along. The continuous agitation in the Assembly and Vithalbhai's special pleadings with Baldwin, Birkenhead and Irwin may have had something to do with this acceleration of the date. Unfortunately the essentials of Vithalbhai's advice were overlooked. Vithalbhai had pleaded not only for an early solution of the problem, but for (1) the adoption of the method of the Round Table Conference and for (2) full weightage being given on such a conference to the Indian National Congress. The Conservative

Cabinet of Great Britain could not bring itself round to a complete departure from the requirements of the Government of India Act of 1919, which provided for the appointment of a *Royal Commission*, and plump for a Round Table Conference instead, and they probably thought that, by excluding all Indians, and not only Congressmen from the Commission, they would appear to have achieved, if nothing else, at least an absolute impartiality in so far as Indian political parties were concerned. That, in the result, they bungled hopelessly is clear. By excluding *all* Indians from the Commission, Birkenhead, in effect, came to the rescue of the Indian Nationalists, and made it possible for all of them to come together on the same platform. As Vallabhbhai put it in an interview he gave, at the time, to the Associated Press of India, "it was given to Mr. Montagu to divide the Nationalists in the country"; and Vallabhbhai had added: "Be it given to Lord Birkenhead to unite all those forces once again under the banner of the Congress." By the Round Table Conference, Vithalbhai and the Indian Legislative Assembly meant a conference between plenipotentiaries of India and the plenipotentiaries of Great Britain conferring together as equals — *with equal status and equal powers*, and setting up a Constitution for India — it being agreed beforehand that such a Constitution was to be placed without further ado on the Statute-Book by the British Parliament. In its place, the British Cabinet suggested, as part of their scheme, a novel convention under which the representatives of the Indian Legislature and the representatives of the British Legislature should meet together, at a later stage, after the Commission presented their report, and discuss the Constitution of India, but this plan obviously visualised the representatives of the Indian Legislature standing as witnesses, or at most as advocates or advisers, before the British Legislature which was to act as Judges. As Vallabhbhai said, no self-respecting Indian could permit himself to be placed in that position. The Viceroy, of course, put a different construction altogether on this plan in his speech, before the Indian Legislature, of the 2nd February, 1928, i.e., one day before the Commission actually arrived in India. What he said then was:

"Let us picture to ourselves the Joint Select Committee of

Parliament and the Select Committee of this Legislature, sitting together in one of the Committee rooms of Westminster to consider the proposals of His Majesty's Government. These proposals will deal with a vast problem on which Parliament indeed has to decide, but where it is no more to the interest of Great Britain than it is to that of India that the issues should be clouded by avoidable difference or disagreement and in regard to which therefore Parliament will naturally seek to reach decisions that command as great a measure as may be of reasoned Indian political support. Is it not fair to conclude that both the Joint Parliamentary Committee, charged with the function of making final recommendations to Parliament, and earlier, the Commission ... will desire to go to the furthest point that they deem possible, in order to carry along with them the convinced assent of the representatives of India, with whom they will, under the plan proposed, be working in close and intimate relations? To suggest that in these circumstances the effect of Indian opinion, *if it avails itself freely of its opportunities*, will be no greater than that which might be associated with the role of witnesses, and will not indeed be such as to influence the course of events throughout every stage, is to advance a proposition that no political experience can support. ... In such matters it is well to remember that constitutional forms are nothing but instruments in the hands of men. . . ." Irwin had of course also added: "I am free to admit that the question of whether or not better means could have been devised for associating Indian opinion with the enquiry, which Parliament is bound to undertake, is one on which every man is entitled to hold his own view."

Pandit Motilal Nehru was in England at the time when the appointment of the Commission was announced. He looked upon the Commission as an eye-wash, and had said: "The only honest course is to declare what Government wants to do and then to appoint a Commission to draft a scheme giving effect to that declaration." It was believed, at the time, that Birkenhead had treated Sapru with scant courtesy, and so Sapru had set his face dead against this all-white Commission. The result was that the Liberals, who had parted company with the Congress ever since the advent of the Non-co-operation movement, now fully collabo-

rated with Congressmen in the boycott of the Simon Commission. Indian Nationalists now combined in flinging back into the face of the British Government and the British politicians the much boosted principle of self-determination and refused to accept the British Parliament as the sole arbiter of India's political destiny. Leaders of all the political — as distinguished from the communal — parties were enraged at the humiliation and deliberate affront implied in the definite assignment of a role of inferiority to the people of India, and called upon the country to boycott the Commission and to vindicate the honour and self-respect of the nation. The response of the masses was unique. The country exhibited from one end to the other, a solidarity never witnessed before. The Liberals under the leadership of Sir Tej Bahadur Sapru decided on the boycott, because it was an all-White Commission and thus offended against all propriety and wounded the national sentiment, as also because it violated the principle of self-determination. The All-India Muslim League under the guidance of Mr. M. A. Jinnah and the Ali brothers urged the boycott because they had now come round to appreciate the value of Hindu-Moslem unity on the lines laid down by the Unity Conference which had met under the Presidentship of Srinivasa Iyengar at Calcutta. With such support as this, there was no wonder that the Indian National Congress presided over by Dr. Ansari at Madras gave definite directions to the country to boycott the Commission effectively "at every stage and in every form."

Meetings were held all over the country, and public men of all shades of political opinion stood on a common platform. It was indeed a rare and refreshing spectacle to find Jinnah, Horniman, Sethna, Nariman, Setalvad and Jamnadas Mehta rubbing shoulders together and striking a harmonious note. The intensity of the boycott was so great and the enthusiasm of the Nation so unbounded that it was impossible for any prominent Indian to escape the rumblings of this political earthquake. There was a widespread feeling that the proper place for Vithalbhai at this time was in the fighting line. The Swarajists who were fighting to show up the fraud of dyarchy in the Assembly were of course prominent in the political ferment consequent on this agitation.

A clamour now arose in several quarters that Vithalbhai, the erstwhile leader of the fighting Swarajists, the spokesman of the farmer, the agitator and champion of the political liberty of the country, should resign his Presidentship of the Assembly and resume the leadership of the Congress. They wanted him to free himself from the position of immobility imposed upon him by the occupation of the Presidential Chair and to lead the boycott agitation for which he was eminently fitted — perhaps more fitted than anybody else.

Undoubtedly one of the reasons why there was such a clamour for Vithalbhai's coming out in the open, resigning his Presidentship, and leading the boycott of the Commission was that, at the time, there was no front rank leader of the Congress of the same calibre as Vithalbhai's available for leading the campaign. Mahatma Gandhi had practically given up politics, and was spinning yarn. As he told Subhash Bose, sometime later, 'he did not see any light.' Das was no more, and Pandit Motilal Nehru, at the time, was in England. Vithalbhai, however, had to think twice, before he took up a definite decision one way or the other. He consulted his friends and other public men in whose political sagacity he had abundant faith and to whom he was attached either by ties of affection or of mutual respect. Among those whom he consulted, though the public outside did not and could not know it, were not only his brother Vallabhbhai and Mahatma Gandhi, but the Viceroy himself with whom his relations at this time had been as cordial as any that could subsist between two intimate friends whose political ideologies may be as different as the poles apart. Besides intimate personal talk, there was an amount of confidential correspondence on this matter between him and Irwin. Irwin appears to have told him that his resignation would be in conformity with a general and universal policy of boycott of all Councils, but that, unless and until such a universal policy was adopted, he did not see why an individual member of the Congress Party alone should feel called upon to resign such a post as he held. This advice appears to have had considerable weight with Vithalbhai, and he decided not to resign his Presidentship, but to issue a statement fully explaining his own position in regard to the situation

in which the country had been placed. Accordingly he issued the following statement on the evening of the 12th of December, 1927:

"A little over two years ago I accepted the post of President of the Assembly because I believed that I could thereby serve my country better. I thought then, and still think, that it was not right for myself, or for any other patriotic Indian, similarly situated, to reject this method of serving India. At the same time, it is evident that any occupant of my present post necessarily labours under a certain disability. There may be circumstances, as is the case today, by which strong political feelings are aroused, and in regard to which the President of the Assembly may hold pronounced views. If he were a private individual he would naturally give full utterance to these views; but whatever may be the personal opinions of any President of the Assembly, the fact remains that he fills a quasi-judicial position and, while he occupies the Presidential Chair, he is bound in his official capacity to remember that he represents not one section but all sections of the body whose principal officer he is, and to act as the guide and director not only of all those who are his natural political associates, but of all sections of the House. My political opinions are well known, and they have not at all varied since I assumed the Office of President of the Assembly. There will, therefore, be no doubt whatever of the opinion which I would publicly desire to express upon the question of the forthcoming Statutory Commission if I were not debarred from speaking freely by the reserve imposed upon me by my office. As a matter of fact, I have not hesitated to express that opinion privately to the authorities concerned in the most unmistakable language and repeatedly made it clear to them what sort of reception a purely Parliamentary Commission would have in India. Indeed, I and my friends of the Congress have consistently maintained that the question of the relations between Great Britain and India can only be finally adjusted on the basis of India's right to Dominion Status being acknowledged without any reservation, and the method of giving effect to this decision being examined in some joint and equal conference between the plenipotentiaries of the two countries. I am also aware that the general scheme of procedure sanctioned by the British Parlia-

ment, in so far as it ignores that claim, and also by reason of the exclusion of Indians from the Statutory Commission of Inquiry, stands condemned in the eyes of politically-minded India. At the same time, while, as President of the Assembly I have taken note of the views entertained by the originators and supporters of that scheme, that under it the constitutional position of the Central Legislature is more definitely recognised by His Majesty's Government than has previously been the case, and that this precedent, if ultimately established, may have far-reaching results, I cannot persuade myself to believe that this is, in any sense, any real advance towards the recognition of the position India is fighting for.

"In these circumstances, I have anxiously considered whether I should vacate my office and return to a position of greater freedom and of a responsibility less restricted. I am convinced that I cannot enjoy that freedom and take my legitimate place side by side with my friends of the Congress in the agitation now going on in the country over this question, unless I tender my resignation. After consulting friends, to whose opinions I attach the greatest weight, I have come to the conclusion that, *for the present*, no useful purpose would be served by my so acting. I have, therefore, decided to wait and watch future developments in the hope that they might bring into being a combination of circumstances making it possible for the British to recognise the justice of the claim made by the Congress and satisfactorily settle India's problem to the lasting benefit of India and Britain alike.

"In the meantime, I feel I should be guilty of desertion of India's cause were I to throw aside the opportunity which my present office affords to me of proving that an Indian is not incapable of discharging the duty of one of the most responsible posts under the present Constitution in circumstances however difficult and of serving the Legislative Assembly as best I can at this crisis of India's fortune."

Those who had followed the political career of Vithalbhai could hardly believe that, in spite of his intimate association with the bureaucracy as the President, he could have held views other than those held by the staunchest Nationalists in the country. Characteristically outspoken and frank, he did not permit

his official position to fetter in any way the free expression of his views with regard to the composition of the Commission. In a candid and courageous manner he took the public into his confidence by stating that his political opinions which were well-known had not at all varied since he assumed the office of the President of the Assembly. Notwithstanding his "quasi-judicial position", he could not refrain from publicly doubting whether the Simon Commission and the constitutional position of the Central Legislature were 'in any sense a real advance towards the recognition of the position India is fighting for.' He lifted up the official veil a little to give the authorities concerned a glimpse of the cold reception the Commission would get in the country. This courageous expression of opinion placed Vithalbhai's patriotism and his political sagacity in their proper perspective. The statement which was carefully worded and felicitously phrased, clearly showed that he was not inspired by any selfish motives or ideas of self-aggrandisement in retaining his office. True, there was a feeling in the Nationalist circles that Vithalbhai should rid himself of the trammels of office and be free again to be in the vanguard of the movement for India's assertion of her right of self-determination. With his experience and his position, Vithalbhai would certainly have been an invaluable force in the boycott movement. But the Presidentship of the Assembly was looked upon even by the staunchest Congressmen as a key position and Vithalbhai, who had won laurels in an admittedly difficult and strenuous task was advised by friends (Vallabhbhai and Gandhiji consenting), to whose opinions he attached the greatest weight, not to resign. He deliberated fairly long on the whole question and ultimately came to the conclusion that he should not give up his responsible post; at least just then, but should 'wait and watch.' He made it plain that it was he alone who could decide whether circumstances warranted his continuance in office or resignation from it. In announcing his decision he took just that stand, which one who knew his mental make-up, would have expected him to take. He had throughout his whole political career displayed a singleness of purpose. The greatest good of the country was what he strove for, and not for all the world would he swerve from that

ideal even for a moment. If he had yielded to the clamour of the single-track minds which had been creating an ugly situation, and given up his office, the country would have got one more boycotter and the Assembly a new President, certainly less scrupulous and less efficient. But whether any real good would have accrued to the country, as a consequence thereof, one can certainly be sceptical about.

Those, who knew Vithalbhai and the working of his mind intimately, knew well that he had not said his last word in respect of this unwanted all-White Commission. Vithalbhai was, of course, not expected by his countrymen to appear before the Commission in his official capacity, although he would have been one of the most valuable witnesses which the Commission could have called to show how the Reforms had worked, so far as the Assembly was concerned. They did expect some sensational developments and a situation far more intriguing in character and interesting in spirit, and their expectations were more than fulfilled. They were aware that subtle and ingenious attempts would be made by Government to secure at least a show and semblance of co-operation from the Assembly and its President — just to parade before the bar of world opinion that the Commission had some popular support in India.

The arrival of the Simon Seven, in February 1928, in India was greeted by an all-India 'hartal' and boycott demonstrations all over the country. The enthusiasm of the people to boycott the Commission was so great and intense that except for officials and Government servants, no one in the country was prepared to accord them even a social welcome. The solid wall of opposition came as an eye-opener to the Government whose frantic efforts to whip up the enthusiasm of people in favour of the Commission met with utter disappointment and complete failure. On the day the Commission arrived in Delhi it was only the Government officers and the Government servants who, in compliance with private and peremptory orders from their chiefs, presented themselves to accord them a formal welcome. The absence of Vithalbhai on the occasion was conspicuous and especially marked, in this motely crowd of Rao Sahibs, Khan Bahadurs and Knights.

The attitude of Vithalbhai could not but be interpreted as unfriendly to the 'guests' of India; and it was naturally looked upon with great disfavour in the official dovecotes of Delhi. Even then, they hoped against hope; they wished to see him come one day in line with them; so in the midst of much disappointment and chagrin they chose to adopt a 'wait and watch' policy. Members of the Viceroy's Executive Council, various Heads of Government Departments and holders of important Government and semi-Government posts were seen scurrying to and fro to discharge their obvious social 'duties and responsibilities' towards the Chairman and Members of the Royal Commission by calling on them at their residence. With his characteristic aloofness and sphinx-like silence, Vithalbhai witnessed this queer display of frantic hurry. A whisper went round that the President of the Assembly had not yet paid his 'respects' to Sir John Simon; Vithalbhai, who became the whispered tit-bit of political gossip, however, took no notice of these whispers or even of mild hints and suggestions. At last, Sir Bhupendra Nath Mitra, then a member of the Viceroy's Executive Council, and on rather intimate relations with Vithalbhai, pointed out to him that it was in the fitness of things that he should call on Sir John Simon and that his indifference was being unnecessarily misunderstood and even subjected to mischievous criticism. With a look of injured innocence Vithalbhai replied: "It is true my present attitude is probably due to my ignorance of 'this social etiquette business', which is so foreign to my people in whose midst I have grown. But what can I possibly do in this matter? During my recent tour of England, I received my first lesson in official and social etiquette from no less a person than Lord Birkenhead, the Secretary of State for India. Unwittingly I happened to have blundered there in this regard; and not till His Majesty the King-Emperor, intervened would Lord Birkenhead take any notice whatsoever of my presence in London, although I was there as the President of the Indian Assembly to study the working of the British Parliament. When, at last, Lord Birkenhead was obliged to invite me to the office of the Secretary of State, he inquired of me whether I was at all aware of the official etiquette that, unless I called on the Secretary of

State, he was expected not to take any official notice of my presence in London. Naturally I pleaded ignorance of all this and assured His Lordship *that I would, on my return to India, put into practice the valuable lesson I received from him* in an appropriate manner." With a mischievous smile on his face and a wink of the eye, Vithalbhai appealed to the advising Councillor: "Should I not therefore be the more surprised why Sir John has till now not called on me? Indeed I would not be true to Lord Birkenhead if, after having learnt a wholesome lesson from that august person, I now take any cognizance of the presence of Sir John Simon in Delhi." Hearing of the stand their Speaker was taking, several members of the Executive Council realised for the first time that there was more than met the eye in the attitude of Vithalbhai. They realised that, while the Government may be able to break the proud and independent spirit of Vithalbhai, they would never be able to bend it.

The story of the 'call on' affair spread like wild fire from mouth to mouth in Government circles. The official mind became perturbed and grew restive. The opposition to the President's attitude stiffened; a call went round to see that something should be done to force the situation on the proud President whose adamant stand was but a challenge to the acumen and ability of the 'heaven born' service. After much head-scratching and diligent research, the learned Pandits of the Secretariat discovered what they assumed to be an infallible way out of the impasse; they altered the order of precedence followed by Government till then; they placed Sir John Simon and the other members of the Commission, after the Viceroy and, above the President of the Assembly. They imagined that Vithalbhai would now be compelled to 'call on Sir John.' The change in the original order of precedence was duly notified in the Government Gazette of India. Then followed a duel of wits between the officials, on one side, and the solitary Vithalbhai on the other. Anyhow, what was least expected or desired by the powers that be came to the forefront; the public came to be unwittingly taken into confidence by this action resulting from the labours of official erudition and subtlety.

Vithalbhai gave the notification the attention it deserved;

unconcerned with what was happening, he went about with his normal routine; Sir Lancelot Graham, the then Secretary of the Legislative Department, obligingly drew the President's attention to the new order of precedence; with the alacrity and vivaciousness that was Vithalbhai's own, he drily remarked: "Ah! I see now. At long last the Government are forced to admit, and even declare, that the Royal Commission is but a part of the machinery of the Government of India" and added "evidently, the Government choose to make and unmake things as they please. But how am I concerned with all this? I wonder and wonder again."

One wonders how Sir Lancelot took this straight home-thrust and the wounding of official pride; could gall and wormwood be worse than this?

The battle between principles on one side, and pride and official prestige on the other, deepened. The officials went about their way in futile rage; dimayed by the deadlock created by the unobliging President, they consulted and consoled one another with grave concern. Hours passed like days; nightly visits and parleys sought some way out of the impasse; delays lingered heavily upon the official mind and heart. For, though Sir John was all the time in Delhi, he could not possibly be anywhere near or around the Legislative Assembly, though the Assembly was then in Session. Vithalbhai took his stand on the correct form and behaviour as taught to him by the noble Lord Birkenhead; and he refused to take any official notice whatsoever of the presence of the members of the Commission in Delhi; on the other hand, he was most anxious to do all in his power to extend a formal invitation to them to visit the Assembly, if Sir John and his colleagues saw their way to do in India what they and their Peers expected Indians to do in their homeland. But in this attitude the Government saw nightmares of the ghastly death of the 'angel' called official prestige; they enjoined upon Sir John and Company not to do the right thing, however much he and his colleagues desired to meet the members and the President of India's Parliament. In order to prevent any trouble by mischief-makers, the President issued fresh instructions that no pass should be issued to visitors without his direct knowledge and

permission. All these little happenings puzzled and perplexed the official mind and increased the volume and intensity of public speculation. Against official strategy, perturbation and wrath were arrayed Vithalbhai's inexhaustible courage, patient dignity and lofty sense of duty as the Speaker of the House.

Some ingenious and fertile brains in the Secretariat grew impatient, and tried to cut the Gordian knot by resorting to circuitous methods, which, without any damage to official prestige, might bring about the desired result. In the midst of this medley, newspapers flashed out a report that the Presidents of both the Houses of the Central Legislature had invited Sir John and his colleagues not only to visit the Assembly and the Council of State but also to meet those members who had expressed their desire for such a meeting. Evidently, the adroit correspondent of the *Times of India* guessed shrewdly enough that this could not be the truth, and straightway telephoned to Vithalbhai asking him if the report had any foundation in fact. Without any hesitation, Vithalbhai coolly contradicted the canard, which he characterised as a deliberate lie started by interested parties in order to compromise the President's position.

This contradiction was flashed through all the newspapers. It embarrassed the Government all the more, and gave them anxious time; for the situation had been worsening for them with every turn of their strategy. The President still held the trump card. So, the age-long, indirect methods were now despaired of and given up; in order to retrieve their lost position and prestige a direct approach to the President was now decided upon — at least to be given a sporting chance. The right man was chosen; Sir Joseph Bore, ex-member of the Viceroy's Council and one of the Secretaries to the Simon Commission, was commissioned to do his utmost to save the situation. He went personally to Vithalbhai and tried his best to persuade him to agree, in conformity with the proposal of the President of the Council of State, to extend an invitation to the Commission to visit the Assembly and to meet some of the members of the House. Vithalbhai, however, refused to be taken in; in plain language, and in a perfectly candid manner, he explained to Sir Joseph the stand he had resolved to take. He maintained

that, as the emblem of the honour and dignity of the House, as also its servant, he was bound to carry out the wishes, expressed and unexpressed, of the House of which he was the Speaker; in view of what had happened, he had taken the stand he had taken, and if the matter needed further consideration, his duty was to consult and seek guidance of the House in regard to whether they desired to invite Sir John and his colleagues in spite of the fact that these august gentlemen had thought it proper to give no heed to good manners and form.

In the absence of any specific instructions from the Assembly, Vithalbhai regretted his inability to extend, on his own initiative, any formal invitation to the members of the Royal Commission as suggested and desired by the President of the Council of State, Sir Henry Moncriff Smith, who happened to be only a nominee of the Government and whose position, therefore, was entirely different from that of the elected President of a popular House like the Assembly. Evidently, Sir Joseph had to take his leave of the President, in a despondent mood, such as was inevitable in the circumstances. The result was that he did not carry quite a clear impression of what had actually passed between them at the interview, as can be seen from the correspondence that subsequently ensued between the two Presidents, evidencing the wrong impressions of Sir Joseph which led to the misleading reports in the Press.

On the 6th of February 1928, Moncriff Smith wrote the following letter to Vithalbhai:

"Dear Mr. Patel,

I have invited Sir John Simon and his colleagues to come to the Council House tomorrow morning to meet some of the members of the Council, and see over the building. I hoped that this was an act of courtesy towards our distinguished visitors *that you and I* might have taken jointly, but I understand that you are not prepared to take any action in the matter. I am writing to ask whether you have any objection to my taking the Chairman and Members of the Commission into the Assembly sector.

Yours sincerely,
(Sd) H. S. Moncriff Smith."

Vithalbhai sent the following reply the same evening:

"Dear Sir Henry,

Your letter of (even) date was seen by me at 8 p.m. when I returned from my evening walk. I have no objection to your taking the Chairman and the Members of the Commission into the Assembly sector tomorrow morning. I am bound to say, however, that I am surprised to read the second sentence of your letter. When Mr. Bhore saw me this afternoon he never mentioned *that you desired our taking joint action in the matter*. I was willing to take the distinguished visitors round the Assembly sector, but as regards the question of my inviting the Members of the Assembly to meet them, as suggested by Mr. Bhore, I asked him to wait for a couple of days. In fact, I would have expected you to ask me to see you and discuss the matter in order to enable us to arrange some joint programme. As, however, you have already arranged as stated in your letter, it is perhaps too late for me to say or do anything further.

Yours sincerely,
(Sd) V. J. Patel."

The next day, i.e., on the 7th of February, Sir Henry wrote to Vithalbhai as under:

"Dear Mr. Patel,

The unfinished letter below is one I wrote early this morning. Before I finished it, Graham suggested that I should come to see you. I send on the letter, because it explains a little more perhaps than I was able to tell you this morning. I may mention, with reference to the remark that fell from you this morning, that no member of the Commission has yet called on me or on my wife. I think they have some excuse, for they have not been here three days, and they have been very busy, I assume, preparing the statement which India awaits, in order to publish it with the least possible delay. I do sincerely trust that you will be able to see your way to arrange a visit to your House; and that you will be able to authorise a statement to that effect to the press; I know we should both very much regret that any idea should go abroad that there is any lack of co-operation between us as Presidents.

Yours sincerely,
(Sd.) H. Moncrieff Smith.

The unfinished letter attached to the above letter was as under:
 "Dear Mr. Patel,

Many thanks for your letter, which I found waiting for me when I returned from dining at Viceregal Lodge yesterday evening. I am, after all, not intending to take Sir John Simon and his colleagues beyond the limits of the Council of State; it was very good of you to say I might show them the Assembly sector. I am glad, however, that I wrote to you, because your reply reveals the fact that there has been a misunderstanding which can, I think, be easily removed. I was surprised to find that Mr. Bhore left you in the dark as to the proposal that we should take joint action. I saw him about 1 o'clock, and as you were then still in the chair I asked him to see you as soon as you adjourned the House. He telephoned to me in the course of the afternoon and told me the result of his interview with you; and it was not till after 6 o'clock that I heard from him that Sir John Simon would be able to come this morning. I then sent out my invitations. I wish Mr. Bhore had let me know that you required a little time to think over the proposal that you should ask some of the Members of your House to meet the Commission.

It is of course common knowledge that the Commission is anxious to get into touch with Members of the Indian Legislature as early as possible. It is perhaps equally common knowledge that many of the Members of the Legislature are equally anxious to meet the Chairman and the Members of the Commission. My idea was that no one was in a better position than the Presidents to bring such introductions about, and that today, being a public holiday on which neither House was sitting, afforded a very convenient opportunity. I thought Mr. Bhore would have put these view of mine before you; and it is regrettable that he did not do so. Had I thought there was any chance of misunderstanding I would myself have come to talk it over with you. It seems however that we were both kept somewhat in the dark. It was no doubt partly due to the fact that time was short, today being the last occasion for some time on which it would be possible to carry out the programme I had in my mind.

THE SIMON COMMISSION IMBROGLIO

Sir John Simon's acceptance of my invitation came into my hands late last night at the same time as your letter. ..."

When this move failed, another avenue was attempted to get Vithalbhai to invite Sir John Simon and his colleagues to the Assembly. On the 9th of February, 1928, Sir Darcy Lindsay addressed the following letter to Vithalbhai:

"Dear Mr. President,

In reference to the interview you were good enough to grant this afternoon, and at which it was represented that Sir John Simon and the other Members of Parliament, Members of the Statutory Commission now in Delhi, be invited by you as our President to be shown over our Chamber on a non-working day and introduced to members who might wish to be present, I now at your desire make the suggestion in writing on behalf of the members of the Group I have the honour to represent and which is twelve in number.

I am,
Yours sincerely,
(Sd) Darcy Lindsay."

The following was the reply given by Vithalbhai to Sir Darcy Lindsay:

20, Akbar Road,
11th February, 1928.

"Dear Sir Darcy,

With reference to your letter of the 9th February, suggesting that Sir John Simon and the other Members of Parliament, the Members of the Statutory Commission now in Delhi, be invited by me as President of the Assembly, to be shown over our Chamber and introduced to members who might wish to be present, I have asked the Leaders of other non-official Parties

V I T H A L B H A I P A T E L

to let me have their views on the suggestion, and am awaiting their replies. I have, as you will remember, already explained to you in confidence during our interview, why I have so far to deny myself the pleasure and privilege of extending to the distinguished visitors other than ordinary Parliamentary courtesy. As soon as that cause is removed and after considering the replies which I expect to get in a day or two from the Leaders of other Parties, I hope I shall be able to take some definite action in the matter.

Yours sincerely,
(Sd) V. J. Patel."

On the same day, i.e., on the 11th February, 1928, on which Vithalbhai sent his reply to Sir Darcy Lindsay, he wrote to Moulvi Md. Yakub, the Deputy President, as follows:

"Dear Deputy President,

I enclose herewith a copy of a letter dated the 9th February, I have received from Sir Darcy Lindsay, (the letter quoted above) suggesting that Sir John Simon and the other Members of Parliament, Members of the Statutory Commission now in Delhi, be invited by me as President of the Assembly to be shown over our Chamber, and introduced to members who might wish to be present.

Will you kindly let me have your views on that suggestion without delay?

Yours sincerely,
(Sd) V. J. Patel."

* * * *

Moulvi Md. Yakub replied to Vithalbhai as under:

13th February, 1928.

"Dear Mr. President Patel,

I am in receipt of your esteemed letter of the 11th instant, with a copy of the letter addressed to you by Sir Darcy Lindsay suggesting that Sir John Simon and other members of the Commission be invited by you as our President to be shown over our Chambers on a non-working day. I quite appreciate and

am thankful to you for the consideration which prompted you to consult me on this important matter. I do not in any way wish to convey an idea of personal discourtesy towards the Members of the Commission but I am really surprised to find that an English gentleman of Sir Darcy Lindsay's position should ask you to extend an invitation to the gentlemen who, if my information is correct, did not care even to observe the common rules of ordinary courtesy to leave their cards on you. Not only I, but several members have spoken to me about the matter and consider this attitude of the Commission as an insult, not only to you personally, but, to the Legislative Assembly itself.

Leaving this matter aside, I think even if they had 'treated you in a manner befitting the dignity of the Speaker of India's Parliament, no good purpose would have been served by your extending an invitation in the manner suggested by Sir Darcy Lindsay, inasmuch as those who were anxious to pay their homage to the august body have, I understand, had several opportunities to do so, and those of us, who under the present circumstances and as long as their present Constitution and *modus operandi* remain unchanged, do not consider it consistent with their dignity to make an advance to them in their official capacity, will not respond to your invitation to meet them. It was for this reason that in the last meeting of the Parliamentary Committee, all the members present, including Sir Darcy Lindsay, abandoned the idea of entertaining them on behalf of our Association.

The very fact that Sir Darcy Lindsay suggests (requests?) you to invite them on a non-working day shows that he himself realises the cold reception which is expected to be given by the Assembly. Moreover, the Members of the Commission have themselves on (of) their own accord not shown any desire to see the Assembly building in the manner suggested by Sir Darcy, and I therefore fail to understand why the President of the Assembly should go out of his way and ask them to make an official inspection of the Assembly building. Far be it from me to make any suggestion which may be restricting your personal liberty of action, but I expect from you such action as will convey no

idea with it that your proclivities are inclined to any party or any section in the Assembly and until the Assembly indicates its attitude on the 16th, any action on your part is likely to prejudice its decision.

So far as I am personally concerned, I am not an advocate of social boycott of any individual in his and my personal capacity, but one's public character is certainly distinguishable from one's private capacity and we, the members of the Assembly, cannot and should not interfere with any action of yours in your personal capacity.

I hope your decision in this matter will be arrived at after consulting (a consultation with) the leaders of different recognised parties in the Assembly.

Yours sincerely,
(Sd) Md. Yakub."

The matter did not rest there. The Government were not yet at the end of their resources. Pressure and persuasion were being tried alternately on the President; but he showed supreme indifference to such silly and stupid perversities and puerilities. Vithalbai was perfectly aware of the power and resources of the forces arrayed against him; his detractors felt that he was growing too intolerant of officialdom; they deeply resented that his dominating attitude had reached a point at which it had become almost unbearable to them, and they now decided to leave no stone unturned to checkmate 'the bearded bounder', who dared to attempt to bring down the noble dome of officialdom.

The deadlock continued for over two to three months. Lord Irwin and the Members of the Executive had realised by then, that unless some honourable *via media* could be suggested, it would not be possible for the mighty bosses of the Government to bend the President of the Legislative Assembly, who yielded to none when the question of the self-respect and the honour of his country were involved.

In the absence of any response from any of the usual quarters of the Assembly sector, the Government contrived to seek an

honourable retreat from the stubborn position they had taken up at the beginning. Without any further fuss about this matter, they quietly arranged a programme for Simon and his colleagues to visit the places round about Delhi, in the hope that something might turn up in the meantime and that a satisfactory solution might somehow be found of the difficulty that confronted them.

Irwin was completely disillusioned of the efficacy of the machinations of the Civil Service to bring about the desired result, and felt that, after all, the stand taken up by Vithalbhai was not quite unreasonable. He now took the matter in his own hands and talked over the matter directly with Vithalbhai. He straightway conceded to Vithalbhai that according to the British Parliamentary conventions, Sir John Simon and his colleagues should have called on the President of the Legislative Assembly before their presence could be officially recognised.

On the return of Sir John Simon, from his tour, to Delhi, Irwin settled the necessary formalities with the members of the Simon Commission and 'phoned to Vithalbhai one evening, that Sir John would call on him the next morning. (the exact time of the call, however, was probably not mentioned).

As arranged, Sir John called on Vithalbhai, at his residence — 20 Akbar Road, New Delhi — at about 8 *a.m.* Vithalbhai was, at the time, in the bathroom and therefore not in a position to receive him straightway. Unfortunately, there was no one else in the house at the moment, who could speak with Sir John Simon in English. In the circumstances, Sir John could do nothing but to loiter about in the lobby for about 20 minutes. Of course he tried his best to explain to the peon who he was and why he had called, but the peon could hardly understand a word of what Sir John tried to convey. The usual 'At Home' box was conspicuous by its absence at the residence of Vithalbhai, and Sir John could only leave his card with the peon, and go away disappointed. (Those who know Vithalbhai *could* put a different construction on this whole episode, because Vithalbhai certainly was not above such mischief. At the same time, as many of his friends and associates fully knew, Vithalbhai suffered from intestinal troubles which obliged him to spend a pretty

long time in the bathroom, and it is *not quite improbable* that this was merely an unfortunate accident).

When the peon handed over the card to Vithalbhai, he was glad that Sir John had called on him, and sorry that he could not receive him, owing to some misunderstanding in respect of the exact time when Sir John was to be expected. Vithalbhai immediately sent a letter to Sir John acknowledging his call and inviting him to tea in the afternoon on the same day. Sir John accepted the invitation extended to him and called at 20, Akbar Road, once again. Immediately after his arrival, Sir John expressed his regret for the misunderstanding resulting from what had, by this time, proved to be official machinations. He confessed that he had all along appreciated the stand taken by Vithalbhai and that he was himself keen on calling on the President of the Assembly, but that he was prevented by certain members of the Executive Council from doing so, because their idea of 'prestige' contra-indicated such a course.

The reception of Sir John was very cordial and much of the mist that had gathered around this controversy was cleared up in the talk that followed. Sir John was gratified to find that Vithalbhai did not harbour any ill-will against anybody on this account, and that in doing what he did, or rather in not doing what some people expected him to do, he was merely trying to assert the rights and privileges of the Assembly and the dignity of the House. As the matter was so satisfactorily settled, Sir John expressed his desire to visit the Legislative Assembly and Vithalbhai promptly responded to the request and at once issued a card authorising Sir John and Lady Simon to witness the Assembly proceedings from the President's gallery. Sir John understood the implication or the significance of the invitation limited only to him and his wife. Sir John therefore assured Vithalbhai that his colleagues also intended to call on him and it would therefore be in the fitness of things if invitations were extended to all of them. Smiling his characteristic smile, Vithalbhai replied that he would certainly be very happy to hand over the invitations personally to every one of them when they called on him.

Thus ended this battle of wits, that had excited the public

for a fairly long time, in the complete triumph of Vithalbhai, but for whose firm determination the independence of the Legislative Assembly and the dignity of the Chair could hardly have been saved from the onslaught of the Executive.

In the meantime, and long before the affair of the Chairman of the Commission and his colleagues having to call on the President of the Assembly was amicably settled, to be precise, on the 16th of February, 1928, the question of the Commission was upon the tapis in the Assembly. On that day, several Resolutions on the Commission had been tabled by the members of the Assembly — M. K. Acharya, M. R. Jayakar, and Gaya Prasad Singh being among them. Gaya Prasad was absent when he was called upon to move his Resolution, and Jayakar and Acharya did not move their Resolutions, because it appears that most of the non-officials had, by then, come to an understanding that the only Resolution on the subject should be that of Lala Lajpat Rai.

Lalaji's Resolution ran as under:

"This Assembly recommends to the Governor-General in Council to inform His Majesty's Government that the present Constitution and scheme of the Statutory Commission are wholly unacceptable to this House and that this House will therefore have nothing to do with the Commission at any stage and in any form."

There were a number of amendments to this Resolution, more or less raising one and the same issue, and Vithalbhai therefore proposed the following procedure for dealing with the question:

"The question raised by the Resolution is whether this House should or should not co-operate with the Statutory Commission, and I would like the Assembly to come to grips on that question and that question alone. ... If I take up the amendment of Sir Zulfiqar Ali Khan, which says:

'This Assembly recommends to the Governor-General in Council that he be pleased to convey to His Majesty's Government the opinion of this Assembly that the procedure put forward by the Indian Statutory Commission merits the favourable consideration of this Assembly'.

"It will, I think meet the requirements of the situation enabling members to discuss a definite issue as to whether this House is prepared to co-operate with the Commission or not. All other amendments in my opinion (are such as) need not be moved. If the House restricts itself to this particular amendment and the original Resolution and discusses the definite issue raised by them, then I think the debate will be very much facilitated and the House will be in a position to come to a definite decision on the main issue."

After some wrangling on this matter, the House accepted the suggestion of Vithalbhair, and proceeded to tackle the issue raised. Besides the movers of the Resolution and the amendment — Lalaji and Zulfikar Ali Khan, the following speakers took part in the debate: Sardar Muhammad Nawaz Khan, Crerar (the Home Member), Sir Darcy Lindsay, Mian Mohammad Shah Nawaz, M. C. Rajah, K. C. Roy, Bhupendra Nath Mitra, Sir Hari Singh Gour, Sir Basil Blackett, Col. Gidney, Suhrawardy, Col. Crawford, Rev. Chatterjee — (all these *for* co-operation with the Commission); and Srinivasa Iyengar, Jayakar, Jinnah, Goswami, Motilalji, Purushottamdas Thakurdas, Fazal Ibrahim Rahimtulla, Ranga Iyer and Malaviya (all these, with minor differences between them, *against* co-operation with the Commission, as it was constituted).

The question was debated for full two days — the 16th and the 18th of February — the House having been adjourned to the 18th, in the middle of Rajah's speech, on the 16th as a mark of respect to the memory of Mr. Harchandrai Vishindas, news of whose death had reached the House, just at the time.

Lalaji made it clear in his reply speech that his Resolution did not involve any general scheme of non-co-operation, and that he accepted the view which the Chair had taken that it simply confined itself to non-co-operating with the Commission as it was then constituted — nothing else and nothing further. Lalaji had made an appeal to the Muslims and to the Depressed Classes to abstain from any contact with the Commission. Adverting to this Crerar, in his final speech, said: "Well, the Muslims have made an effective reply on their own." Jinnah interjected. "Some Muslims, not Muslims."

Regarding the Depressed Classes, Crerar said: "While Lala Lajpat Rai indicated that the Depressed Classes have great grievances against Government, that is precisely the point of view that the Depressed Classes have themselves not put forward. Their most vehement complaints and grievances deal with Brahminical taboos and caste prohibitions."

Then he turned his attention to Jayakar, and complimented him ironically 'on his very able and dexterous discharge of what I recognise was a very difficult and delicate task'; and he added: "It is notorious that in military operations, one of the most hazardous and difficult is a rapid retirement under pressure. Mr. Jayakar performed that evolution with extreme skill. The only point which I wish to put to him is this, was there any real necessity for performing that evolution at all?"

Talking about Jinnah, Crerar said that he 'approached the problem, as one might expect from his ingenious and original mind, from a somewhat different point of view'; and went on to say: "Speaking as a constitutional lawyer, he had the prudence and the candour ... to refrain from disputing, as a constitutional and legal fact, the legal and constitutional sovereignty of Parliament. If I may say so without presumption, I sometimes think that when Mr. Jinnah applies his legal mind rather than his political mind to a problem he comes to his soundest and his best conclusions. On this occasion I merely ask him to continue his logical faculty and to carry his realism a little further."

All this wooing of Jayakar and Jinnah was of no avail, and they voted for Lalaji's Resolution as against Zulfiqar Ali Khan's. Vithalbhai looked upon them, as indeed they were, as two alternative proposals, and put Lalaji's proposal to the vote first. He intimated that if it was carried the other one would drop automatically. The division showed 68 Ayes and 62 Noes, and the motion was adopted with cries of 'Bande Mataram'. The result so stunned Sir Basil that he fell down in his seat. Vithalbhai and several other members of the Assembly made anxious enquiries, and were happy to find that nothing very serious had happened.

The Simon Commission, obviously, had to figure, off and on, in the Assembly hereafter, but Vithalbhai himself had not much to do with it in any direct manner.

Chapter Thirty-Three

THE PUBLIC SAFETY BILLS AND THE BOLSHEVIK BOGEY

THE First Public Safety Bill or the Bill 'to provide for the removal from British India, in certain cases, of persons not being Indian British subjects or subjects of States in India' was introduced in the Legislative Assembly on the 4th of September, 1928. The repressive character of the Bill, marked by some of the most objectionable, vague and ugly features imaginable, aroused considerable public interest and alarmed Nationalist India which knew only too well that the suppression of the so-called illegal activities was only another name for the suppression of a perfectly legitimate activity. To the superficial observer, the Bill appeared to be a very useful and necessary measure for ensuring safety and security against the dangerous doctrines of Communism which, according to the Government, were infiltrating into the working classes and the intelligentsia of the country. But Indian patriots and Nationalists were not slow to see in this measure one more attempt on the part of the Government to sabotage the growth of Nationalism in this country and to suppress the legitimate activities and movements for the political and economic education of the masses and the general uplift of the teeming millions. This sinister move and all its subtle implications were exposed in the Indian Press which was united in its opposition to this surreptitious encroachment on the fundamental and cherished rights of the children of the soil. The Anglo-Indian Press, which wholeheartedly allied themselves with the Government, and described this Bill as the Bolsheviks Removal Bill, refused to trouble its head with its inherent and invisible dangers to the vital interests of Indian Nationalism to which the Indian Press, on the whole, was wide awake. The controversy centering round the Bill assumed the form of a struggle between the alien Government and the public, and the

great gulf which divided the rulers from the ruled became too evident. All shades of political thought were unanimous in their condemnation of this new method of repression masquerading under the guise of 'Public Safety.' The representatives of the people in the Assembly were not going to allow the Government an easy time. They resolved to fight it tooth and nail at every stage.

On the 6th of September, when the Bill came up for 'consideration', Motilalji raised a point of order. He objected to the motion being taken up on that day. He drew the attention of the House to the fact that copies of the Bill were not 'made available for the use of members', three days before the date on which the motion was being made, and that, under the Standing Orders that prevailed in the House, the motion could not be taken up, if any *one* member objected to its being taken up on the ground that sufficient notice, as required by the rules, was not given, unless, of course, the President, in the exercise of his discretion, suspended the Standing Order concerned and allowed the motion to be made. Motilalji further submitted that this was not a case where the President could normally be expected to exercise his prerogative and suspend the Standing Order. The matter, certainly, was not so urgent as to incline him that way.

The questions round which the controversy raged were (1) whether the publication of the Bill in the Gazette could be construed as making it available to the members of the Assembly, and (2) whether the matter was really very urgent. Vithal-bhai allowed full scope for the expression of opinion on these questions by the Government and the Opposition, weighed most carefully the pros and cons of the issues involved, and gave the following Ruling:

"This is a very difficult question as the Hon'ble the Law Member has pointed out, but if I were to postpone the decision on this question, it would not be necessary to come to any decision, and all difficulties would be over. For in that case, the consideration would stand postponed to the next official day, But I do not propose to take that course. I propose to give my decision and take the fullest responsibility for it. There is

absolutely no doubt that this motion cannot be made unless copies of the Bill have been made available to Hon'ble members three days before today. The question is whether in this case copies of the Bill have been made available to the Hon'ble members three days before today. I am clearly of the opinion that the publication of a Bill in the Government Gazette cannot dispense with the obligation which is laid by the Standing Orders on the office to make copies available to Hon'ble members. That expression has a special meaning attached to it by the Standing Orders and in the absence of any directions by the President as to the manner in which a Bill is to be deposited and the place at which it is to be deposited — directions which should have been taken and carried out — I am afraid I must hold that the copies of the Bill have not been made available to Hon'ble members three days prior to its consideration. I therefore rule that this motion cannot be made today, unless the Standing Orders are suspended. As no request has been pressed in that behalf it is not necessary for the Chair to consider that point."

The ruling provided one more proof, if any proof were needed, regarding the bold and direct manner in which Vithalbhai was accustomed to face even the most intricate situation. He would not resort to circuitous methods or subterfuges. He possessed courage of conviction in abundance and stood by his convictions irrespective of how the public or the officials regarded them.

On the 10th of September, when Crerar rose in his seat to move his motion, Motilalji raised *another point of order*. He submitted that the Indian Legislature had no power to pass the law which was embodied in the Bill before the House, and that it was positively debarred under the law from passing any such law. That being the case, he maintained that the motion could not be allowed. The Bill aimed at the exclusion of His Majesty's British subjects, European British subjects, without any trial and without any conviction, from any part of British India on the mere declaration of the Governor-General that the individual concerned was a person to whom the Bill applied.

Under Section 65 of the Government of India Act, Sub-Section (2) last paragraph, no such law could be passed by the Indian Legislature. The sub-section referred to runs thus:

“Provided that the Indian Legislature has not, unless expressly so authorised by Act of Parliament, ... the power to make any law affecting the authority of Parliament or any part of the unwritten laws or Constitution of the United Kingdom of Great Britain and Ireland, whereupon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or affecting the sovereignty or dominion of the Crown over any part of British India.”

S. R. Das, the Law Member, maintained that it was not either for the House or for the Chair to decide whether any Bill of the Indian Legislature was or was not *ultra vires* and that if it was *ultra vires* that was a matter for adjudication by the Courts. To this, Sir Hari Singh Gour replied that when he sought leave to introduce the Supreme Court Bill, the Government opposed it on the ground that it was *ultra vires* of the Indian Legislature to establish a Supreme Court in India and Sir Frederick Whyte, the then President, overruled him and held that the Bill was *ultra vires* of the Indian Legislature. Sir Hari Singh, however, while agreeing with Panditji that the powers of the Indian Legislature were defined and limited by Section 65 of the Government of India Act, expressed serious doubt in regard to the existence in the Constitution of the United Kingdom of any law, written or unwritten, which entitled European British subjects to reside in India; and unless it was ruled that it was the inherent right of every British subject, European or Indian, to reside anywhere he liked in the British Empire and that the right was born of his allegiance to the British Crown, the objection raised by Panditji appeared to him to be unsound.

In view of the legal point involved, the Home Member submitted for the consideration of the Chair whether it would not be desirable to adjourn the debate to 3 o'clock on the same day to which Vithalbhai made the following reply:

“The question raised by the Leader of the Opposition is one of great constitutional importance. It is no doubt true

that the Hon'ble the Leader of the Opposition has not given notice either to the Chair or to the Government. I am not prepared to say that he was bound to give such notice, but the fact remains that both the Chair and the Government are taken by surprise. The Government were not prepared to meet the arguments advanced by the Leader of the Opposition who has cited a large number of authorities, and it is only fair that the Government and the Chair should have time to consider this great constitutional question raised by the Hon'ble Pandit, but at the same time I do not want to arrest in any way the progress of this Bill, and therefore the course that I propose to adopt in this case is not to accept the suggestion of the Leader of the House, because that would give me only an hour or so at the outside, and I frankly confess it is not possible for me within this short time to deal adequately with the question that has been raised. The course that I propose to adopt is this. I propose to allow the discussion of the Bill to proceed. Section 65 merely says that this Legislature has not the power to *make* any laws. Before the final stage of the Bill is reached, it is open to the Chair, if on examination it is found that it has the power, to intervene and say that this last motion, namely, that the Bill be passed, shall not be made. Therefore, the course I propose to adopt at present is to go on with the motion of Mr. Crerar with the amendments that may be moved in this House and thus get time for myself and also time for Government to consider this question raised by the Leader of the Opposition. It may be necessary, and I think it will be necessary, for me to hear once again both the Opposition and the Government on the floor of this House, on this important question after they have made full preparations to argue the case. The question being of the greatest importance, I do not wish to give my judgment or decision at 3 o'clock today or tomorrow or even the day after. I propose to allow the motion for consideration to be moved by the Hon'ble Mr. Crerar and reserve my judgment on this question. It may be, as I have already said, I might in consultation with the Leader of the Opposition and the Leader of the House think of asking Hon'ble members to argue the case once again before me on the floor of this House."

The speeches of the official spokesmen of the Government benches provoked the hostility of the Congress Party, who felt that though the Bill was ostensibly directed against foreigners, it would certainly be used against them.

The debate on the Bill excited the public mind as no other debate in the Assembly had ever excited it so far, and attracted most of the politically-minded people in the country. The debate which was one of the most acrimonious and protracted of the debates ever witnessed on the floor of the House — the debate in which representatives of all shades of opinion and all the varied interests participated — the debate in which displays of eloquence, talent, learning, exuberance of thought and splendour of diction reached their high water-mark, occupied full three days and a half. But neither the lofty and animated eloquence of the venerable Malaviya; nor the powerful and commanding oration, barbed with satire and sarcasm, and primed with facts and figures, of the fiery and ferocious Ranga Iyer; nor the legal and constitutional lore of the majestic Motilaji; nor the ingratiating voice of Jayakar, the symbol of sweet reasonableness and culture, who, provoked by the seriousness of the occasion, pleaded with the Treasury Benches with seductive winsomeness; nor the plangent appeals of the veteran Lalaji, which compelled the unstinted admiration even of the obdurate bureaucrats, had any effect on the Government. All the impassioned and closely argued speeches of the Indian patriots, invoking the legal and constitutional conscience of the official block, reasoning in a restrained but impressive manner on the basis of facts and figures and appealing in the most feeling terms to the unrelenting and impervious hearts of the bureaucracy not to outrage and flout the unanimous Indian public opinion, fell on deaf ears. Nothing, nothing would turn them from their resolve to carry the Bill through and accomplish their fell purpose with the support of the official and communal votes which gave them a slight advantage in numerical strength over the popular side. The Government refused to budge an inch from the position they had taken, and with the help of their unfailing friends carried, by 62 to 59 votes, on the 15th of September, the motion to refer the Bill to a Select Committee, from which

several Nationalists, Independents and Congressmen withdrew their names, one after another.

The Government felt the urgency of the measure so keenly that they wanted the report of the Select Committee within three days, and obtained it within a week.

On the 24th of September, Crerar moved that the Bill, as reported by the Select Committee, be taken into consideration.

The progress of the Bill, at this stage also, was characterised by abundant heat and vehemence. The interest, enthusiasm and the zeal of the sponsors of public opinion in the Assembly could not be cooled down or evaporated by the temporary triumph of the Government, whose rigid and obstinate attitude they were determined to meet with an equal persistence and stubbornness. They were not to be deterred, by any obstacles whatsoever, from their duty by the country. They were resolved on fighting the steel frame every inch, before yielding a hair's breadth to their opponents whose numerical superiority was based on the contingent of the men they had at their beck and call.

At this stage also, a point of order was raised. No sooner had Crerar said, "Mr. President, I move" than Vidyasagar Pandya rose in his seat, and lodged his protest against the procedure that was being followed. He contended that the consideration of the Bill, as reported by the Select Committee, could not be taken up under Standing Order 44, if any member of the Assembly objected to its being taken up, if a copy of the Report had not been made available to members for 7 days and that such objection should prevail, unless the President in exercise of his powers suspended the Standing Order and allowed the Report to be taken into consideration. The Home Member pointed out that the Report was on the table from the 20th and that Hon'ble members had ample opportunity to study it and requested the Chair to suspend the Standing Order 44 (1) a. In fact, on the 22nd, while making the statement about the probable course of business during the ensuing week, Crerar had intimated that he would make that request, and Vithalbhai had said that that question would arise if an objection was taken. As the objection was taken, Vithalbhai asked those who were in favour of that objection to rise in their seats.

As only two or three members were seen rising in their seats Vithalbhai said that he must suspend the Standing Orders, and allow Crerar to make the motion.

Among the speakers at this stage, besides Crerar, were: Duraiswamy Aiyangar, Prakasam, Srinivasa Iyengar, Victor Sassoon, N. C. Kelkar, Col. Crawford and Anwar-ul-Azim. As the previous stage had taken nearly four days, Vithalbhai would not give more than one full day for this stage, and so the Bill was voted upon, on the 24th of September, 1928.

All our Nationalists, Congressmen as well as Independents, felt that one of the objects of the Bill was really to kill all movements in the country, agrarian or industrial, which aimed at the amelioration of the poor. Among the speakers who attacked the Bill were, along with the representatives of Labour, the representatives of Indian trade and commerce and the leading Indian capitalists of the country. Even those, to whom fear-complex appeals were made in all seriousness, refused to be trapped by the fatuous arguments of the spokesmen of the Government. The representatives of Indian trade and commerce, as well as those of labour, felt that it was the Government of India who prepared the soil for Communism or Bolshevism in India and that it was they who fertilised it with anti-Indian measures of all sorts. Incidentally they drew pointed attention to the extremely short-sighted and retrograde policy of the Government of India in regard to military training for Indians and to their currency and financial policy — a policy which had ruined the cultivator and increased unemployment — a problem to which the Government elected to be utterly blind — which had aggravated the destitution of the masses, deepened the depression of trade, commerce and industry, lowered the purchasing power of the cultivator, and contributed in manifold ways to the swelling of the discontent of the toiling and starving masses of the country.

The House at long last divided on the issue. The excitement among the members ran high and the anxiety and curiosity of the public, agog to know the result, were raised to fever-pitch by the frantic efforts of the Whips of various parties running to and fro. In the meantime, after the division papers had been

handed in to the Secretary of the Assembly and while they were being scrutinized by him, Sir James Simpson entered the Chamber through the ante-door behind the President's Chair and approached the Secretary's table, but he could not escape the notice of the eagle-eyed President. Of course, he was not allowed to vote, and Vithalbhai observed:

"It is very wrong for the Hon'ble member to enter into this Chamber in this way. I think the Government should see to this. It is entirely wrong for the Hon'ble member to come through another door after the lobby doors have been closed."

After a proper apology from Sir James and explanation from Webb, who was supposed to have opened the door for him and Crerar, the Leader of the House, the incident was taken as closed.

The result of the voting was a tie: 61 against 61.

Vithalbhai announced the result as under:

"Here is an equality of votes: 61 against 61. My own opinion is that, if any party or any individual member seeks to put such an extraordinary measure on the Statute-Book, he must persuade the House and get a majority in his favour. The Hon'ble the Home Member has failed to secure a clear majority in his favour and cannot expect the Chair to give its casting vote in favour of the motion. I therefore give my casting vote for the "Noes" and declare: Ayes 61=Noes 62."

The casting vote given by Vithalbhai against the first Public Safety Bill, though in complete accord with Parliamentary precedents and conventions, enraged the 'heaven-born' officers of the Civil Service, who did not recognise any political master. England not only tolerates, but actually appreciates all sorts of criticism, such criticism also, as succeeds in over-throwing the Government, but in India even strictly legitimate criticism of Government was entirely out of court, and was treated as damaging the prestige of the Civil Service which virtually dominated the Executive Government. The political atmosphere was tense with all sorts of rumours and some of these officers felt it necessary to cover the Parliamentary inefficiency of their front benches, by engaging themselves in underhand activities against the Chair — activities which led to a definite move on the part of Government to discredit the authority of the Chair.

The Government were admittedly faced with a difficult situation. They could have sent the Bill back to the Assembly with a recommendation by the Governor-General for its acceptance and then if the Lower House had persisted in rejecting it, could have invited the Council of State to complete the required legislation in conjunction with the Governor-General alone; or they could have shut up immigrant agitators in India for an indefinite period by the exercise of the emergency power which they claimed to have, though that power was never intended for that purpose. Or they could have resorted to what is known as the Foreigner's Act. They had been smarting under the blow of a defeat and could hardly be expected to reconcile themselves to the desirability of submitting to the popular view. Their temporary silence created an impression that they had accepted the decision of the popular side and in so doing had followed a perfectly constitutional line. Irwin at this time was surrounded by second or third rate men, hardly gifted with any political insight and scarcely in touch with the political development of the country. The die-hards of the Peel-Birkenhead-Winterton school felt perturbed and annoyed. The Government of India was being guided by men like Crerar who, in spite of his several other estimable qualities had an invincible faith in the infallibility of the Civil Service.

About three months after the rejection of the first Public Safety Bill, the Government attempted to revive it in a more drastic and rigorous form. On the 4th of February 1929, Crerar, as Home Member, moved that the Bill to check the dissemination in British India from other countries of certain forms of propaganda be referred to a Select Committee with instructions to report on or before the 28th of February 1929.

The point of view envisaged by and embodied in this Bill was different from that of the previous Bill. That Bill was intended for the sole purpose of restricting immigration. The new Bill sought to put down certain types of propaganda which Government considered objectionable. Although the Public Safety Bill as originally introduced was intended merely to provide for the removal of certain persons from British India in the interests of public safety, it had evoked such a storm of

opposition and had been condemned in such strong, clear and unmistakable terms by all the sections of the Indian public that its ultimate rejection by the Legislative Assembly appeared a foregone conclusion almost from the outset. No wonder, therefore, that the Assembly driven to a state of desperation by the studied insults administered by the outrageous attitude of the Treasury Benches, refused to look at the New Bill, which sought 'to check the dissemination in British India from other countries of certain forms of propaganda' and, to that extent, exceeded by far the limits of the previous Bill.

Crerar did not see the necessity of retraversing in detail the ground, which was already covered in the debates over the first Bill, but asked the House even more earnestly and emphatically than before, to consider the crucial question that faced it, the Government and the country. The propaganda of the Communist movement had, according to him, created a serious situation, and imperatively demanded exceptional measures — of course, in the best interests of the country, as he understood them. The supporters of Government wanted the Assembly to believe that if the movement were left unchecked, it might ultimately destroy the entire fabric of Indian culture, civilization and religion, her industry, agriculture and commerce, in fact, the whole structure and basis of Indian society.

The leaders of Indian public opinion refused to be misled by high-sounding phrases and utterances and to be frightened by the imaginary picture of unrelieved gloom, and would not empower the Government with the authority they were asking for. They had fully realised that their sentiments and pleadings were being treated with scant courtesy and that this obnoxious Bill was being flung in their faces, and that Government were confident that they could pass it in spite of all their hostility to it.

Motilalji characterised the Bill as a direct attack on the Indian National Congress inasmuch as the provisions of the Bill clearly aimed at the cutting off of India from all other countries. Unless the Government had something to conceal and to avoid the effects of world opinion operating upon it, there was no reason why Government should harbour any fear in

respect of any country taking interest in India. The Act was meant to apply to a person who

- (a) directly or indirectly advocated the overthrow, by force or violence of the Government established by law in British India or the unlawful destruction of property or *the unlawful interference with the ownership of property; or*
- (b) sought to foment or utilize industrial or agrarian disputes or other disputes of a like nature with the object of subverting organised Government in British India *or with any object the attainment of which was intended to conduce to the same result; or*
- (c) was a member of, or was acting in association with any society or organisation, whether in British India or elsewhere, which advocated or encouraged any such doctrine or activity as was described in sub-Clause (a) or sub-rule (b) of Clause 2 (iii) of the Bill.

That being so, even a change in the economic system of India could be advocated only at the risk of a real danger to one's freedom and safety. Nationalisation of industries and nationalisation of railways, which were advocated not only by Socialists but also by those who did not profess Socialism could certainly be construed as an interference with rights of property. The words 'with any object the attainment of which was intended to conduce to the same result' would bring every Congressman within its compass and clutches. The object of non-payment of taxes, Civil Disobedience and Passive Resistance was decidedly to subvert the Government without force or violence and therefore it was not a crime to advocate them under any law. But they were all intended to conduce to the result mentioned in the Bill and hence no human ingenuity could save the Congress from the operation of that deadly weapon.

This new Bill had in it a new Clause providing for the forfeiture of moneys, securities, goods or credits which had been or were about to be transmitted from any place outside India to any place in British India. These provisions, to say the least, were absolutely revolutionary. The Bill took no notice even of the purpose for which the moneys were being sent. They be-

came tainted by the mere fact that the sender held extreme views and on that account alone they became liable to be confiscated. The scope of the new Bill was amplified in a variety of ways, with the result that even the instincts of patriotism, charity and nationalism were prevented from functioning in the normal public life of India. Even the normal trade with Russia was placed at the entire mercy of the Executive Government, who were free to pounce upon the moneys deposited in the Bank by the Soviet Government in order to enable their agents to make purchases from India.

No argument advanced by the Treasury Benches could justify the condemnation of a man without trial or the confiscation of his moneys. It was fundamentally unfair to condemn a man without his being made fully aware of the charge he had to face. It was not British justice to deport even a notorious criminal, much less a Communist, unless the charge against him could be proved and the man in question had the fullest opportunity of answering. Every Englishman, not muzzled by official etiquette would boldly declare this to be the inalienable birth-right of a Briton. It was no use asking the Assembly not to show such extreme distrust of the Government, whose record of senseless blunders during the previous four decades in the exercise of their discretionary powers bore abundant testimony of what they were capable of.

The Government spokesmen had based their whole case upon their belief in the existence of a great menace to public peace and public tranquility, and to law and order all over the country, but particularly in Bombay and Calcutta; and the Home Member had, while depicting in very lurid colours the menace of Communism or Bolshevism, pointed his finger to the prevalence of industrial strikes and agrarian disputes in the country. Malaviya, in particular, very effectively exposed those false alarms and asserted that the root causes of the industrial strikes and agrarian riots were to be found, not in the spread of the so-called dangerous doctrines of Communism but in the depressing, deplorable and disgraceful economic life that the Indian labour and the Indian agriculturists were compelled to live. He maintained that the responsibility for that state of things lay mainly

upon the Government, because they had failed to educate the masses, failed to promote a diversity of employment among the people, failed to secure to them those moral and material advantages of enlightenment which were promised to them in the Educational Despatch of 1854. Government had failed to discharge their primary duties to the people of this country and had been guilty of an atrocious wrong. The condition of the agriculturist was most lamentable; he who tilled the soil, laboured in season and out of season, in the cold and in the rain, did not get even a bare maintenance for himself and his family. The condition of the agriculturists all over the country was a matter of deep shame and pain to officials and non-officials alike; it was such as to invite condemnation of every civilised Government — a blot on the British Raj in India. After 165 years of British Rule, they did not get enough to clothe themselves, no provision was made either for medical relief or the education of their children, and their physique had unmistakably deteriorated. This was a true picture of more than 80 per cent. of the population of India.

Malaviyaji maintained that Government had recently added to the list of their atrocious wrongs to the agriculturists of India, one, which was largely responsible for the distressing situation so graphically described by the Home Member. They had, in the teeth of the violent opposition of almost all the elected representatives of the people in the Assembly, passed that wretched measure by which it placed the ratio of 1s. 6d. on the Statute-Book and it was that wretched measure that was mainly responsible for the wretchedness of the agriculturists.

The impoverishment of the country was the direct outcome of the Ratio Bill which prevented the cultivator from getting the fullest value of the commodities he exported and ultimately brought about the loss of his purchasing power in the market. Faced with foreign competition and the unprecedented trade depression that followed, the millowners approached the Government for some relief in the cotton excise duty. The Government asked the Indian millowner, instead of granting him the relief he sought for, to try to economise his cost of production. The millowner suffering from a serious disadvantage in his competi-

tion with Japan and with England was obliged to effect certain cuts, asking the workmen to work for longer hours, and to give more work for the same wages. The workmen refused; they struck work and they continued to keep up the strike on for several months. Measures such as those had led to strikes and lockouts leading to riots. Communism or Bolshevism had hardly anything to do with them.

Speaker after speaker representing Indian public opinion condemned the new Bill, which was a more retrograde measure than the previous Bill and the arguments advanced in support of it were feeble, and less plausible. The best description they could give of the principle that was involved in the Bill was that it was a piece of 'arbitrary absolutism.'

The Government, however, in spite of the solid opposition of all the popular parties against them, were determined to place the Bill on the Statute-Book and they succeeded in getting the Bill referred to a Select Committee by a majority of 11 (Ayes 61 and Noes 50) amidst cries of 'Shame! Shame!' from the Opposition Benches.

On the 28th of March 1929, when Sir Brojendra Mitter, the Law Member, in the absence of Mr. Crerar who had an attack of fever on that day, moved in the Assembly that the report of the Select Committee on the second Public Safety Bill be taken into consideration, Jayakar drew the attention of the Chair to the events of the previous week, viz., the case against 31 persons filed before the Meerut Magistrate under Section 121 A of the Indian Penal Code and stated that, while discussing the merits of the provisions of the Bill, members were bound to refer to many matters which might bear upon questions which were then *sub judice*. The spread of the communistic movement, its connection with the political movements of this country, the extent to which foreign money came into this country, the necessity of all those provisions in the Bill before them which gave power to the Government to impound money in the banks and several similar questions required free and full discussion in the House. The Government had conclusively proved by taking this action that the ordinary law of the land was quite sufficient for the purpose of reaching the mischief created by the infusion of com-

munistic ideas. Therefore there was no particular urgency of passing the Bill in that Session, and he desired that the Government should not, in the best interests of a free and full debate in the Assembly, proceed with the Bill pending the duration of the Meerut trial. In his speech, Jayakar also referred to the 'disallowance' by the Governor-General of the adjournment motion in respect, virtually, of the same subject, made by Motilalji on the 21st, to discuss the policy of, and the action taken by, the Governor-General in Council in sanctioning and taking steps for the wholesale raids and arrests, in several parts of India, of public workers belonging to labour and peasant organisations, youth leagues and such other lawful organisations. This adjournment motion was opposed by the Government, on the ground that 'the policy and action of Government could be justified without entering into matters which must necessarily be the issues in a court of law.'

Vithalbhai had ruled that, as the opposition proposed to discuss 'the *policy* underlying this large number of raids and arrests, *and not the merits of the cases*, that are to come before the Court of Law for adjudication, the matter proposed to be discussed was not *sub judice*, and that the motion was in order.' The Governor-General then disallowed it on the ground that it could not be moved without detriment to the public interest. It is worth while remembering this episode in connection with the later developments regarding this Bill.

Vithalbhai informed the House that he had in his hands a notice of a motion for adjournment from Mr. Jogiah — that the consideration of the Bill be postponed pending the disposal of the Meerut case. If the Government were not prepared to accept the suggestion made by Jayakar, the Chair, he said might be obliged to call upon Mr. Jogiah. Sir Brojendra, on behalf of the Government, replied that they were not prepared to accept the suggestion.

Vithalbhai was faced with a very difficult and delicate situation. This challenge left no course open to him but to assert the authority of the Chair. At the moment, however, he contented himself by the adjournment of the House till the 2nd of April 1929, without any further comment.

The refusal on the part of the Government to accept the suggestion made by Jayakar gave a sleepless night to Vithalbhai. He perceived in the challenge an attempt on the part of the administration to usurp the powers belonging to the House and was convinced of the duty of the Chair not only to prevent such outrageous acts of the administrators but also to give protection to the members against their tyranny which definitely involved a breach of the forms and procedure of the House. He had, of course, nothing to do with the character of the Bill or its universal condemnation as a dangerous and reactionary measure. He examined the constitutional and legal issues raised by Jayakar dispassionately and in a detached spirit. He could not help noting a close alliance between this Bill and the conspiracy case launched by the Government against some of His Majesty's subjects that was then proceeding in a Court of Law at Meerut. If the 'policy' underlying the raids could not be discussed in an adjournment motion, surely this Bill could hardly be discussed without reference to several matters before the Court. Vithalbhai felt convinced that full and free discussion on the Bill was impossible without frequent references to matters *sub judice* in a Court of Law. He, however, did not decide to rule the Bill out of order forthwith. Instead, he exercised the greatest self-restraint and once again decided to advise the Government to reconsider the matter in all its bearings, and pointed out that the acceptance or rejection of the Bill would practically mean the acceptance or rejection of the very basis of the Meerut trial and that it would certainly affect prejudicially the case either for the prosecution or for the defence.

On the 2nd of April 1929, soon after the question hour, Vithalbhai rose in his presidential chair and made the following statement in the Assembly for the earnest and serious consideration of the House and the Government:

"Before I ask the House to resume debate on the motion that the Public Safety Bill, as reported by the Select Committee, be taken into consideration, I should like to make a few observations as to the difficulty I feel, and I am sure the House must also feel, in the matter.

Since we met last, I have been at some pains to examine, study

and compare the speeches made by the Leader of the House from time to time on the Public Safety Bill on the one hand, and the complaint lodged by the Crown against 31 persons in the Meerut Court. As a result of my labours, I have found that the fundamental basis for the Public Safety Bill is virtually identical with that of the case against the 31 accused. In one, the member-in-charge asks this House, and in the other, the Crown will ask the Judge and Jury to hold that:

- (1) There is in existence a powerful propagandist organisation called the 'Communist International' in Russia whose aim is to overthrow and destroy the existing social and economic order, as well as all forms of Government throughout the world by a general strike and armed uprising in accordance with the programme which it has outlined.
- (2) In 1920-21 the said organisation resolved to establish a branch in India, and in pursuance of that Resolution the organisation and its agencies are at work in this country in preparing, practising, and propagating the doctrines and pursuing the activities directed towards the end they have in view.
- (3) The movement in India has received a good deal of stimulus by the arrival of a foreign Communist named Campbell in 1925-26, who, for the first time, started a Workers and Peasants Party in India in a really active form, in pursuance of the programme of the Communist International and after his removal from India, two other British Communists (who, I understand, are among the accused in the Meerut case) came, and have been continuously carrying on, in conjunction with an increasing body of associates (some of whom perhaps are among the accused in that case), incessant activities for over a year and a half in furtherance of the said programme.

Hon'ble members are aware that the rules of business of this House provide that no question shall be asked, nor any Resolution moved, or motion for adjournment made in regard to any matter which is under adjudication by a Court of Law

having jurisdiction in any part of His Majesty's dominions. It has been further provided by Standing Order No. 29 that a member shall not be allowed, whilst speaking to any motion either on a Bill, or any other measure, to refer to any matter of fact on which a judicial decision is pending. To put it briefly, the House is not allowed to refer to, or discuss, any matter which is *sub judice* on the ground that any such reference or discussion might prejudice the pending case. The question, therefore, arises whether it is possible for this House to discuss the motion that the Public Safety Bill, as reported by the Select Committee, be taken into consideration without referring to, or discussing any of the matters which are *sub judice* in the Meerut trial. I think there can be no two opinions that real debate on the Bill is not possible without extensive reference to, and discussion of, most of the matters that are *sub judice*. In fact, I am clearly of opinion that these are the only matters that could be relevant to the issues involved in the Bill, and anything else would, strictly speaking, be irrelevant. But, under the Standing Order above referred to, the Chair would be bound to rule out all such reference and discussion, and this would make the debate on the Bill impossible. Perhaps the Chair might not mind some casual references here and there of some of those matters during the debate, but in this particular case it would be necessary for Hon'ble members to make repeated references and also to discuss the merits of these matters. Besides, acceptance of the Bill would mean practically the acceptance of the fundamental basis of the case for it, and the rejection of the Bill would mean the rejection of that basis; and in either case such a course is bound to effect prejudicially the case for the prosecution or for the defence in the Meerut trial, as the case may be. I do not see how, in these circumstances, I can legitimately allow the Government to proceed further with this Bill at this stage. I am sure the unanimous opinion of the House is that we should say or do nothing here calculated to prejudice the Meerut trial one way or the other; and I have, in these circumstances, decided, instead of giving any ruling, to advise the Government themselves, in the first instance, to consider the observations I have made and the difficulties I have pointed out, and postpone the

Bill pending the Meerut trial, or, if they attach greater importance to the passing of this Bill at this juncture, to withdraw the Meerut case and then proceed further with the Bill. I know the consideration of this question must naturally take some little time, and I have, therefore, decided to ask the Government to take up the consideration of the Trade Disputes Bill in the meantime."

The following conversation followed the statement made by Vithalbhai, between Crerar and Vithalbhai:

The Hon'ble Mr. J. Crerar: I am prepared, on behalf of Government, to consider the observations which you have made, but if that implies a suggestion that Government are prepared to accept the further suggestion that the Bill should be postponed, that is a suggestion which I regret, on behalf of Government, I am unable to accept.

Mr. President: Is that the decision of the Government? That means that the Hon'ble the Leader of the House is not prepared to place the suggestion made by the Chair before the Government as a whole and ask them to consider whether they should not postpone the consideration of the Bill.

The Hon'ble Mr. Crerar: I am prepared to submit for the consideration of the Government the observations which you have made, but I wish to make it clear that the view of the Government is that *it would be very detrimental to the public interest* (This used to be the language for disallowing adjournment motions and the like. Now this language was being used for forcing the discussion of a motion in the House), that the further consideration of this Bill should be postponed.

Mr. President: In any case, the Chair before giving its ruling on the question, will have the decision of the Government before it.

It was certainly too much to expect introspection from the prestige-ridden bureaucratic Government of those days. Smarting under what they looked upon as a blow publicly administered to their prestige and dignity, the Government not only tried to justify their attitude but even went to the length of criticising the President's action as transgressing the bounds prescribed by the Standing Orders of the Legislative Assembly. Crerar added

that nothing, in the opinion of the Government, need be said in the course of the discussion which would prejudice the matter before the Court. In short, the mover of the Bill circumscribed the limits of the discussion over the head of the President of the Legislative Assembly.

On the 4th of April 1929, Crerar, the Home Member, made the following statement in the Assembly:

"Mr. President, you drew the attention of the Government last Tuesday to certain difficulties which you felt in connection with the further discussion in this House of the Public Safety Bill. I understand that your difficulty, put shortly, is that the case for the Bill and the case for the prosecution in the Meerut conspiracy case are substantially the same. Therefore it is not possible to argue the case for the Bill without arguing the case for the prosecution and making statements which are likely to prejudice the trial. You also suggested, if I understood aright, that, apart from the actual discussion in the House, if the House accepts the Bill, this will prejudice the trial. You doubt whether, in these circumstances, in discharge of a power *that you conceive the Chair to possess*, you can allow the Government to proceed further with the Bill at this stage, and you have accordingly advised the Government either to postpone the Bill till the conclusion of the Meerut trial or to withdraw the Meerut case and then proceed with the Bill.

"The Government have given their very careful consideration to these views. It appears to them that they rest in part on a misunderstanding of the facts and in part *on a misconception of the powers conferred upon the President* by the Rules and Standing Orders of this Chamber. With regard to the first point, the Government, in the discharge of their responsibilities, are entitled to ask this House to entrust them with certain powers. For this purpose they do not require to refer to any detailed allegations which will be for the adjudication of the Court, and they are of opinion that nothing need be said which would prejudice the matter which is before the Court, namely, whether the thirty-one accused persons or any of them have entered into a conspiracy to deprive the King-Emperor of the sovereignty of British India. Nor can they agree to the proposition that, if

the House decides to place in the hands of Government powers intended to prevent or check subversive propaganda in this country, this fact will in any way prejudice the decision of the question whether these accused persons have or have not entered into the conspiracy alleged against them. The principle of the Bill has already been subjected to the most comprehensive discussion in two Sessions and has recently been affirmed by the House by a substantial majority. The primary matter now before the House is the consideration of the changes of detail made by the Select Committee in respect of the adequacy or reasonableness of the powers to be conferred and the amendments of which Hon'ble members have given notice. It does not appear to the Government that the discussion of these matters with due regard to the observance of the rule prohibiting reference to facts on which a judicial decision is pending, need cause any inconvenience to the House or embarrassment to the Chair in maintaining the rule. This view is reinforced by the fact that you, Sir, found no occasion when the Hon'ble the Law Member moved on the 28th of March last that the Bill as reported by the Select Committee be taken into consideration, to object to anything that was then said on behalf of Government on the ground that it infringed the provisions of Standing Order 29.

"The point, however, to which the Government attach the greatest importance is that, in their opinion, neither the Legislative Rules nor the Standing Orders *confer on the President the powers which you apparently claim* of refusing to allow further discussion of the Bill on the grounds suggested. Rules 8, 12 and 23, on which you appear to rely, do not relate to the discussion of a Bill, their content being restricted to questions, resolutions and motions for the adjournment. In the case of a Bill, the relevant powers of the President in the matter of debate are contained in Standing Order 29. It is his duty to see that the directions laid down therein are observed. The power vested in him is to be exercised for the control of individual members while speaking and cannot be employed for the purpose of preventing Government business from being transacted. As I have already indicated, the Government will give every assistance to the President in ensuring that, on their part, the rule

which prohibits reference to matters of fact on which a judicial decision is pending is not violated, and they have every confidence that you, Sir, will be able to regulate the debate in accordance with the rules of the House. But they must repeat that, in their opinion, no Rule or Standing Order of this Chamber authorises the President to decide whether Government should or should not be allowed to proceed with legislation which it desires to submit for the consideration of this House in a case where all the requirements of the Rules and Standing Orders preliminary to the moving of a motion have been fulfilled, as they have been in respect of this Bill; and I must make it plain that Government would regard any such claim as incompatible with the undoubted discretion of Government, under the constitution, to decide what legislation it shall ask the House to pass and when, and the equally undoubted right of the House to decide whether it will discuss and pass the legislation so placed before it. The House is now seized of the Bill and I submit that *it is beyond the powers of the Chair to withhold the Bill from its consideration.*

"In the circumstances, Sir, *you will understand* that Government regret to find themselves unable to accept either of the alternative suggestions you put before them. They regard the passing of the Bill as a matter of urgent importance to enable them to fulfill their responsibilities for the Government of the country, and they could not contemplate the withdrawal of a criminal case, the decision of which they regard as essential in the public interest. The submission of the Government, therefore, is that, in accordance with the rules of the House, you, Sir, should direct the House to proceed, as soon as may be, with the consideration of the Public Safety Bill."

Motilalji followed Crerar and asked:

"May I ask you, Sir, to allow this House an opportunity to consider the long and learned statement just made by the Hon'ble the Home Member and to express its views upon it before you give your ruling on the point?"

Darcy Lindsay and Malaviyaji made similar requests, and Vithalbhair responded to them. He said: "I think I must accept the request made by Hon'ble members and it will be my duty

to give them the opportunity they seek before I give my ruling. I wish it were possible for the Hon'ble the Leader of the House to circulate a copy of his statement to all Hon'ble members so that they might be in a position to express their views before the Chair comes to any decision on the point. Of course, it is not for me to direct the Leader of the House to do so, but I hope, in all fairness, he will agree to circulate a copy of his statement to all Hon'ble members."

Then followed the following conversation between Crerar and Vithalbhai:

The Hon'ble Mr. J. Crerar: I shall endeavour to make copies of the statement available as soon as possible, Sir. In view of what you have said, I would request, that, after you have announced your conclusions, you will give me an opportunity of making a further statement as to the position of the Government.

Mr. President: Does the Hon'ble member mean, after I have announced my decision?

The Hon'ble Mr. J. Crerar: Yes, Sir.

Mr. President: The Chair will have to consider that.

Provocative in tone, arrogant in spirit and challenging in language, the reply to the well-meant advice tendered by the President lacked grace and even common courtesy. The President was anxious to avoid a conflict between the powers of the Chair and the rights of the Government. But the Government would not extend even a word of appreciation for the advice sincerely tendered in the best interests of harmony and cordial relations all round. Crerar belonged to that school of rulers who believed in the excessive exercise of authority and demanded unquestioning obedience from everybody to what they considered right or correct. The reply of Crerar created boundless perturbation in the minds of many. It appeared as if the Home Member was on the war-path and the basic and inherent right of the President to control and regulate the debates in strict conformity with the Rules of the House was being challenged. It was the duty of the Chair to see that the business of the House was transacted with due regard to the forms and procedure laid down in the Government of India Act and the Rules made thereunder in strict conformity with the accepted precedents, principles and

conventions of Parliamentary procedure. The Chair in fact possessed the inherent power to rule out of order a motion on the ground that it involved an abuse of the forms of procedure.

The President was certainly not bound by any rule in the Standing Orders to consult the Leaders of the Parties before giving a ruling, when a ruling from the Chair was asked by a member. Vithalbhair, however, did not wish to produce an impression on anybody that his attitude in the matter was too wooden. He would not have his ideas pressed to their logical conclusions without any reference to the conditions that obtained. In his anxiety to abstain from anything like coercion, and to avoid possible errors or misunderstandings, he decided to hear the views of the members on the Point of Order raised by Crerar, when the Assembly met on the 5th of April 1929. The debate that ensued on the point of order was interesting and exciting in spirit, intriguing and illuminating in character in a variety of ways.

In response to a query from Crerar, Vithalbhair told the House what precisely he had invited the opinion of the House on:

"The two points on which I desire the Hon'ble members to express their views are these: First, whether it is possible to have a real and reasonable debate on the motion that has been made by *the Law Member* in connection with the Public Safety Bill, in view of the pending prosecution at Meerut. And the second point on which I desire Hon'ble members to express their opinion is the power of the Chair to intervene at this stage."

Crerar's contention was that they were not concerned with implications and inherent powers but that they were concerned, and must be concerned, with express powers, and that among the express powers conferred upon the Chair, there was no power to remove from the jurisdiction of the House, a Bill of which it has duly and properly been seized. Any such course was not only an invasion of the responsibilities of Government, but it was also a serious invasion of the undoubted privileges of the members. The opposition could not accept this view.

The debate on the point of order in which the best legal talent of the Government and the country was in evidence only

confirmed the correctness of the opinion which Vithalbhai held and the soundness of the judgment he expressed, when he tendered his advice to the Government at an earlier stage. The debate occupied several long hours, but it was worthy of the gravity of the issues raised and certainly worthy of the fame enjoyed by the leaders of Indian public opinion, many of whom were practised and skilful debators and legal luminaries. They proved themselves complete masters of the higher arts of Parliamentary debate and discussion. They revealed in the course of the debate the intensity of the glow behind the closed doors of a furnace and the silent light of the burning sparks of patriotism. Copious references to the mighty shades of Parliamentary pillars who had been the glory of the British Parliament only conveyed how deeply their studies were influenced by learning and how seriously they were anxious to discharge their duties to their electors. There was plenty of strong, close and acute reasoning. The language was occasionally irritating, but the swords were crossed in accordance with the strict rules of Parliamentary combat.

The controversy moved round a question of great constitutional importance and a ruling fraught with far-reaching consequences was expected on all sides. It was practically a case of open defiance on the part of the Government of the powers vested in the Chair. The Government in effect disputed the interpretation by the President of the Standing Orders where it did not suit them. Vithalbhai felt that it would be a dangerous precedent if he conceded the claim to any one other than the President of the Assembly to interpret the Rules and Standing Orders of the Assembly. Unmoved by any consideration other than the independence and dignity of the Chair, Vithalbhai regretted that the Government could not see their way to accept the advice offered by him. Far from being cowed down by the sabre-rattling and bullying tactics of the bureaucracy, as perhaps a weaker man might have been in that situation, Vithalbhai arrived at the only inevitable conclusion that no real and reasonable debate was possible on the Bill in the circumstances as existed then. He felt compelled to assert his view that the attitude adopted by the Government was completely at variance with Parliamentary traditions and conventions. In a masterly

statement reinforced by opinions from eminent constitutional authorities in England and elsewhere, he declared his decision to give his ruling on the 8th of April 1929, as soon as the Trade Disputes Bill was out of the way.

The appointed day came, a day memorable in the annals of the Legislative Assembly. The proceedings of the Assembly had naturally attracted the utmost attention of the public to this — the burning topic of the day. The fierce struggle raging round it for several months had endowed it with an unprecedented importance. Public interest in the discussions over the Public Safety Bills was great from the beginning, but the excitement rose to fever-heat as the struggle developed. Princes and people, publicists and politicians — in fact everybody who took interest in the affairs of the country — eagerly awaited the outcome of this gigantic parliamentary combat which had agitated the public mind so bitterly and had produced a violent, bitter and acrimonious debate on the floor of the House.

The Assembly presented a remarkable scene to the visitor's eye. An air of restlessness and a feeling that something unusual was going to happen pervaded the Assembly hall. Members of the Assembly were in their seats long before the commencement of the proceedings. The public galleries were crowded to their fullest capacity by an audience, which was all the while on the *qui vive* — indeed the excitement among them was such as had never been witnessed in the Assembly before. The aristocracy and the *elite* of the society had literally thronged the Viceregal and the President's galleries, and the interest they took in the momentous issue was apparent in their faces. Officials and non-officials had crowded into the lobbies — nobody caring to see who the next man was — so pre-occupied were they with surmises about the ruling from the Chair.

The occasion was indeed a solemn one. The curiosity of the Assembly to hear the President was unbounded. The atmosphere was overcharged — the storm could break any moment. There was complete silence at the end of the Trades Disputes Bill Debate. Not a whisper anywhere. A pin could be heard to drop. All eyes were fixed on the central figure of the day. Clad in impeccable Khadi, with the white wig on his head, grey-

haired Vithalbhai looked like the image of justice. His serene face indicated habitual self-possession and inflexible decision. A man of singular equanimity that he was, he presented an imposing and in a sense, mysterious personality, whose grandeur was emphasised by a singular air of composure. High above the great assemblage of eager onlookers he looked like the redoubtable champion who could rescue the drowning from the floods which appeared determined to wash down everybody before them, including the champion himself. Vithalbhai rose in his Chair in circumstances which compelled him to a certain austerity of demeanour at this unique moment in his life. There was something in him that was akin to inspiration. The Popular Party in the Assembly felt that their interests, honour and self-respect was safe in the hands of this veteran, who after years of toil, combat and service in the various spheres of national activity, was occupying the position of a tribune. He looked like the wizard rising in their midst with a spell to cast away the baneful and odious spirits.

The situation had become very tense. The silence looked ominous. Hardly had Vithalbhai opened his lips when a terrific sound resounding and reverberating the entire Assembly sector stupefied the expectant audience. Soon enough people realized that two bombs had dropped from the visitors' gallery and had burst among the official Benches causing injuries to some members. After the bombs, came a volley of red leaflets wherein was inscribed the message which meant that 'only the sound of an explosion could be expected to reach the deaf.'

The House was thunderstruck. Confusion prevailed everywhere. People left their places in a flutter; some falling back, others rushing to the doors nearest to them to escape the consequences of the explosion. A regular pandemonium ensued in the Hall of the Guardians and Custodians of Law and Order for the whole country! This mysterious affair gave rise to all sorts of suspicions and fancies — probable and improbable. The tumult was destined to convulse the whole of India. The audience was terror-struck and bewildered by the apparent danger, and frightened out of their wits. But the President, amidst scenes of indescribable confusion, was as silent and mysterious

as the Sphinx. With his characteristic and singular equanimity Vithalbhai remained unperturbed and unaffected by the calamity, which had very nearly touched his person. The incident could not impair his robust confidence much less affect his clarity of vision or political judgment. He maintained his usual calm, serene and dignified demeanour in the Chair. Realising, however, that nervousness and disorder had prevailed in the House owing to the panic created by the bomb outrage, he retired just for a few minutes, and on resumption of the Chair, announced that in view of the most shocking and deplorable incident of the day, the House would stand adjourned till the 11th of April 1929.

Stunned by the bomb outrage, the public mind was considerably exercised over the question of the Ruling. During the interval the air became thick with rumours and surmises of all sorts. Speculation was rife in the minds of the politically minded in respect of the probable reaction of the event on the outlook of the President. Some said that the political reasons underlying the outrage were bound to affect the independence of the President. Others declared that the erstwhile lion of a President would now be tamed into a lamb by the bureaucracy. In the midst of all these wild talks and rumours, speculation, excitement and public anxiety, Vithalbhai maintained a Sphinx-like silence. He walked about serene and unmoved. His exterior was not disturbed in the least. He carried out his usual duties, but no one could read his mind. Not even the closest friends of Vithalbhai could have any idea of his intentions or could venture any guess from his behaviour.

One of the secrets of Vithalbhai's greatness was this power he had of keeping certain things entirely to himself. No one — not even his best friend and colleague could hope to get at them. This ruling was such a secret. Mahadevbhai Desai was at this time a guest of Vithalbhai. Even the lynx-eyed Mahadevbhai, who was one of the shrewdest of men, could not succeed in getting the secret out of Vithalbhai. Intrigued with the baffling situation, Mahadevbhai at last put a straight question to Vithalbhai about the probable nature of the Ruling, "What" exclaimed Vithalbhai, "What, Ruling! Well, well, Mahadev! the bomb has

now exploded, eh!" અરે! રૂઢીંગા! મહાદેવ. હવે તો બોમ્બ ફૂટે! રૂઢીંગા કેવું?

Immediately after placing on record the Assembly's sense of horror and indignation at the dastardly outrage and offering its deep sympathy to Sardar Bomanji Dalal and others who had received the injuries, Vithalbhai proceeded to give his long-expected Ruling on the Public Safety Bill on the 11th of April 1929:

"As a rule, I have refrained from offering advice to Government on any matter, unless they themselves sought it, but in this particular case I did so in order to avert a conflict between the powers of the Chair and the rights of Government. It is a matter of regret to me that the Government could not see their way to accept the advice offered, and a conflict has thus become unavoidable. Such a conflict is bound to arise under a Constitution like ours, particularly where the Chair considers it its duty to interpret the rules and orders of the House with a view to preventing powers belonging to this House passing into the hands of the administration. Speaker Onslow is reported to have frequently observed that it was a maxim he had often heard when he was a young man, from old and experienced members, that 'nothing tended to throw more power into the hands of the administration and those who acted with the majority of the House of Commons than a neglect of, or a departure from, these rules — that the forms of procedure, as instituted by our ancestors, operated as a check and control on the actions of the Ministers and that they were in many instances a shelter and protection to the minority against the attempts of power.' Situated as we are in this country, the wonder is that the conflict did not come earlier — *thanks partly to the intervention of His Excellency Lord Irwin from time to time.*

"Government claim that they have the undoubted right under the Constitution, to decide what legislation they shall ask the House to pass and when. *That is no doubt true within prescribed limits, but it must not be forgotten that the Speaker exerts a direct influence upon the course and extent of legislative action.* This is what Redlich, at page 142, Vol. II says:

"But the most important function discharged by him (that is, the Speaker) that which gives him his chief political influence,

is that of being *the sole and final judge* of whether any motion or amendment is in order or not. By virtue of the traditional and incomparable authority which is conceded to him by all parties in the House, an immense power is thus placed in his hands and, under certain circumstances, he may exert a direct influence upon the extent of legislative action.'

'It will thus be seen that the claim made by Government has its own limitations.

'Sir Darcey Lindsay, the Leader of the European Group, and the Hon'ble the Law Member, Sir Brojendra Mitter, contend that it is the right of the House to decide whether it should proceed with the Public Safety Bill or not. Both dispute the right of the Chair to give a ruling on the question whether, assuming that a real debate is impossible, the action is in order or not. The Law Member further contends that the Chair is bound to leave the decision of this point of order in the hands of the House, and quotes, as his authority, page 145, Vol. II, Redlich, but does not complete the quotation and leaves out the following:

'But it is entirely in the Speaker's discretion whether and when to call for such a decision of the House. If he deems it unnecessary to do so, his ruling is final.'

'It is quite clear from this that the Speaker is under no obligation to leave the decision of a question like this in the hands of the House. In fact, it did at one time occur to me as a possible course to adopt; but when I heard the statement made on behalf of the Government, a statement which I must confess, *is calculated to undermine the authority of the Chair*, and amounts to a direct challenge of its powers, and when I heard the other day the amazing remarks of the Leader of the European Group that, by the exercise of my undoubted right to give a ruling on a point of order, I would be assuming the position of a dictator or usurper, I thought that in yielding to such arguments, I would be shirking my responsibility. But there is another and a more serious objection to the proposal. Assuming that I left the decision of the point of order to the House and the House decided that the Bill should be proceeded with, the Chair would be bound, in that case, to put the question without any debate, if it was found that a debate was impossible. This

course would deprive the minority of their right of reasonable debate, which is my duty to protect.

"I understood the Leader of the House, the other day, to claim that Government were entitled to ask the Chair to put the motion to the vote of the House, although there was no debate, as none was possible. I was, however, much relieved when I heard the reply of the Law Member, on behalf of Government, to a question which I put to him during the course of his speech. I asked him whether Government claimed that they were entitled to ask the Chair to put a motion, although there might be no debate on it, because a debate was not possible. The reply of the Law Member was:

'I am not suggesting that for a moment, but my submission is this. It is capable of reasonable debate, and if it is capable of reasonable debate, then I presume it will be your duty to put the question before the House.'

"I am in entire agreement with the view expressed by the Law Member. My difficulty is that I am not satisfied that, in the circumstances of the case, any real or reasonable debate is possible on this motion. On the contrary, the speeches that I heard the other day have confirmed me in the view I had expressed in my statement that no real debate was possible without repeated reference to, and discussion of, matters *sub judice*, and that matters *sub judice* were the only vital matters relevant to this debate. Indeed the Hon'ble the Law Member admitted in his speech the other day that we might be handicapped at the present moment, for Standing Order 29 came in the way. He further said that he was not disputing the fact that there might be certain common factors between the Meerut case and the grounds upon which this Bill was framed. One has only to read the speeches of the Leader of the House on the Public Safety Bill, made from time to time, and compare them with the allegations made in the complaint against the 31 accused to be convinced that the fundamental basis of both is identical. The logical result would be that no debate could take place on the motion in question and on the large number of amendments which have been tabled and also on the motion that the Bill be passed. I would have to put all those questions without any

debate, and secure the passage of the Bill. Such a course is unthinkable and would be a gross abuse of the forms and procedure of the House.

"It has been suggested that I should allow the debate on this motion to proceed and if it was found that a real debate was not possible, I should then consider whether I should not exercise my right of declining to put the question, instead of ruling the motion out of order at this stage. Although this suggestion has not been seriously pressed either by Government or any of the speakers on the point of order, I have carefully considered it and I am of opinion that those who still contend that a debate is possible would be completely disillusioned as soon as the debate began. I have no doubt that I would have repeatedly to intervene and call speaker after speaker to order. I would be deceiving myself and deceiving the House if I left any impression on the mind of any one that I had any doubt whatever that any debate on any vital matter in respect of the Bill was possible. I have, therefore, decided to reject the suggestion, the adoption of which would result in pure waste of public time and would have all the appearance of a farce and a fraud.

"It has now been contended that, as the motion has already been made, the House is seized of the Bill and the Chair has no power to withhold it from its consideration. This is a mistaken view. The point that a motion is out of order can be taken at any time before it is voted upon, and the Chair is entitled to rule it out, if it is of that opinion.

"The only question that now remains to be determined is whether the motion is in order or not. It is my duty, as President of this House, to see that it transacts its business with due regard to the forms and procedure laid down in the Act, Rules and Standing Orders governing the same, and where no Rules or Standing Orders exist, in accordance with accepted principles, precedents and conventions that should regulate the fair discussion and free decision of every question before the House. It is a duty which the President owes to the House and to every member thereof, and is one which he cannot share with or delegate to the Government or the Opposition, or submit to the

verdict of a majority or a minority in the House. 'Every matter requiring the decision of the Assembly', to quote the words of Standing Order 30, 'can only be brought forward by means of a question put by the President on a motion proposed by a member.' When a motion is so proposed and spoken to by the Mover it is the right of the House to discuss it, and no derogation from, or infringement of, this right of reasonable debate can be permitted by the Chair on any ground, real or imaginary, of urgent executive policy or otherwise. Even where express provision is made by the Standing Orders or Rules for an abridgement of this right, e.g., motions for closure, it is the duty of the President to see that they do not involve an abuse of the Rules or Standing Orders or an infringement of the right of reasonable debate. It follows, therefore, that the President cannot put the question for the decision of the House without a reasonable debate or without affording to members every opportunity for such debate. It is obvious that, to do so, would be to deny to the House its fundamental right of free discussion and decision on the merits of the question before it. It would constitute a negation of the very basis of all deliberative and legislative bodies. As I have already pointed out, not only no reasonable debate, but hardly any debate, is possible in respect of the motion now before the House. There are, as Hon'ble members are aware, certain limitations of debate, which are expressly laid down by Standing Order 29, in the interests of fair and reasonable debate within the House, as also in the larger interests of the public and the State. The first of these is that a member, while speaking, shall not refer to any matter of fact on which a judicial decision is pending. I have been assured by the Leader of the House that the Government on their side, will see that no reference is made to matters *sub judice* in the debate on the motion, and I have been invited to help them in seeing that no such reference is made by others in the exercise of their right of debate. I cannot but consider such a proposal coming from a party that has, by its own motion in launching the prosecution during the pendency of the Bill, made the debate on it impossible, as unfair to those members who desire to oppose the motion and to disprove the case made in support of it by the Home Member,

and unfair also to the House which has to give its decision on it. The Law Member admits that the right of reasonable debate exists, but contends that, in this case, it has already been exercised twice, and that therefore further exercise of this right is superfluous. This betrays a fundamental misconception of the procedure of the House and the rights of debate of members on motions. The House and every one of its members has the right on every occasion that the Bill is taken into consideration, whether on a motion to refer it to a Select Committee, or to pass the Bill as amended after consideration and the passing of its Clauses — to discuss the case for the enactment of the Bill as a whole and give its decision thereon. I cannot by reason of previous discussion having taken place, impose on the members the obligation to vote for (on?) the motion without the debate they are entitled to raise.

“It has been contended that the right to rule the motion out of order is *not expressly conferred* on the President by any of the Rules or Standing Orders of the Assembly. Indeed, the Law Member goes further and says that, as the Assembly and its President are creatures of the Statute, the convention and precedents of the House of Commons have no application, and that such power cannot be deduced by implication from the provisions of Rules and Standing Orders. Such a power must, according to him, be expressly given. But it is a matter of common knowledge that conventions and precedents of the House of Commons are being quoted repeatedly in the Legislative Bodies in India and acted upon. It was only last year that the Chair exercised its inherent power to disallow the introduction of a very important Bill on the ground that the course proposed was an abuse of the forms and procedure of this House and violated its proprieties. If the contention of the Hon’ble the Law Member is upheld and the Chair restricted to the powers expressly conferred on it by the Rules and Standing Orders to this House, the business of this House would become impossible.

“The Leader of the House, the Law Member and the Leader of the European Group have, in support of their contention, relied upon the proceedings of the House of Commons relating to the following Acts:

1. An Act for the better protection of persons and property in Ireland, 1861.
2. Defence of the Realm Act passed in the early years of the recent war.

"I have carefully studied the debates on the above measures, but am unable to find either that the present point of order was raised and decided, or that there was, in fact, a common basis for the prosecution as well as the Bills before the House, as is the case here. I am therefore unable to derive any guidance from these instances for deciding the point before me.

"For these reasons, I am of the opinion that, although the power to rule this motion out of order is not expressed in so many words in any of the Rules and Standing Orders, *it does arise by necessary implication and analogy*, and I am further satisfied that, in any case, the Chair has the *inherent* power to rule out a motion on the ground that it involves an abuse of the forms and procedure of this House, as this motion, I hold, does. I therefore rule it out of order."

Thus ended the exciting episode for the time being. A situation so precarious and unedifying demanded nerves of steel. The pendulum of the debate was all the while swinging irregularly and violently from one extreme to the other. Coaxing, bullying, cajolery and several other vote-catching devices that were being pursued and practised by the disputants on both the sides were now suddenly set at rest by Vithalbhair, who displayed to the full that rare combination of qualities which secured for him the high and commanding eminence which he had attained in the sphere of parliamentary politics.

Vithalbhair's whole soul rose in challenge when he found the Executive Government, armed with extensive arbitrary powers, determined to coerce the Assembly into passing this measure in so irregular a manner. He felt that the boat was being driven straight upon the rocks of coercion and saw in it an attempt to trifle with the House, trifle with a vital constitutional issue and trifle also with the political liberty of the country by arbitrary and despotic means. The President of the Assembly was hedged round by innumerable constitutional limitations unparalleled in the history of legislative institutions anywhere in the world. In

his endeavours to guard and protect the dignity of the Chair, Vithalbhai had to come with vexatious frequency into open conflict even with the highest executive authority of the State of India. A man of indomitable courage, a redoubtable fighter for principles, by temperament and conviction. Vithalbhai's brilliance shone forth in all its glory on all those occasions when he stood up to uphold the rights and privileges of the House as its custodian and guardian. His tenacity, his force and his resources were inexhaustible. He looked as if he was inspired whenever he tried to preserve the well-established traditions in respect of the honour of the House.

The Ruling was a complete and a crushing exposure of all the fallacies, dialectical chicanery and disingenuous arguments to which recourse was had by the serried ranks of the pro-Government members. It tore to pieces the veil from the tortuous parliamentary pretences and perversions of the fundamental principles of parliamentary procedure. It frustrated the attempt of the bureaucracy to take the weak and the wavering through the thick jungle of fallacy and inconsistency. The Opposition, flushed with victory, read in it a complete vindication of their rights and privileges which were being trampled over, under the heavy heels of the bureaucracy. Every unprejudiced listener felt that the Ruling was not the mere dialectic of a debator dealing with abstract arguments. It contained the weighty words of a Speaker worthy of the great traditions of Onslow, Ulswater, Peel and Whitley who adorned the Chair at Westminster with such rare distinction.

A formidable blow, more formidable than the bomb outrage itself, was dealt by the ruling to the officials, to their utter discomfiture and mortification. The Opposition was obviously jubilant, but the officials were furious and felt that there was something very dreadful in the ruling. They were determined not to be satisfied with mere parliamentary recrimination. Instead of wisely accepting the ruling from the Chair without any further ado about it, they contemplated having the Public Safety Ordinance proclaimed for six months. It could of course be given another lease of life when the first period of six months was over. Their love of prestige was so great that some of these

power-fed men were determined to make an exhibition of the immediate exercise of their power and authority which was vested in them by the Government of India Act. Signs were not wanting to show even at this stage that a symbolic struggle between the Government and the Chair was fast developing, though, for the moment, it was only in embryo.

Chapter Thirty-Four

SYMBOLIC STRUGGLE — CONFLICT WITH LORD IRWIN

THROUGHOUT the whole of this debate, Vithalbhai had maintained that dignity which could not but quell even the harshest of his adversaries. In all his constitutional fights he showed that unique and uncanny knack, which was peculiarly his own, of securing the ell without conceding even the proverbial inch. He was as indifferent to the frowns of his opponents as to the sweetness of their smiles. The patience, fortitude, toleration and indulgence which Vithalbhai showed on this occasion were, indeed, remarkable and exemplary. So steady was the composure of this extraordinary man that, on having read out his ruling, he informed the House quietly and with an air of supreme unconcern that the Leader of the House did not wish to make any statement on behalf of the Government in view of a communication which he had received just then from His Excellency the Viceroy and Governor-General, and which he was about to read.

Motilalji and other members of the Congress Party could easily guess what the Viceregal communication was likely to be, and took it for granted that it had some bearing on the ruling which had undoubtedly upset the apple-cart of Government and that the Viceroy had something up his sleeve to circumvent its effect on the course of the Bill. As a mark of indignant protest against this ill-advised intervention by the highest authority of the State, members of the Congress Party, in contravention of the usual practice, remained seated in their places while the other members of the Assembly stood up to receive the message. President Patel, always anxious and meticulous about the observance of the forms, procedure and decorum of the House even to their minutest detail, at once pulled them up, and im-

pressed upon them the desirability of showing the courtesy due to the head of the Government by standing while his message was being received. Motilalji, speaking on behalf of the Congress Party, said that, if that was the decision of the President, they would comply with his request, and, then, all the members of the Congress Party rose in their seats and received the message standing. The message ran thus:

"In pursuance of Sub-Section 3 of Section 63 B of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, hereby require the attendance of the Members of the Legislative Assembly in the Assembly Chamber at 11 o'clock on Friday, the 12th of April 1929.

IRWIN,

Viceroy and Governor-General."

New Delhi, 10th April, 1929.

The Viceregal communication did not expressly mention the topic on which the Viceroy intended to address the Assembly. But, what it was became quite clear, if it was not clear at any time, from the following conversation between Crerar and Vithalbhai. Said Vithalbhai, "*in view of this communication*, I understand, the Leader of the House (who had expressed and reiterated his desire to obtain an opportunity to speak after Vithalbhai had given his ruling) makes no statement." "*In view of that communication*, Sir," said Crerar, "it is *unnecessary* for me to make any statement." All turned round in amazement at this apparently inexplicable attitude of the Home Member. Crerar probably knew in advance the exact purpose of the Viceregal message. In anticipation of the President's ruling, the officials had apparently confabulated and prepared themselves for the setting of the stage for the drama that was to be enacted.

It must be admitted that Government were faced with an unprecedented situation. Never before had their way been beset with difficulties of this nature. Bent nevertheless on gaining their ends, they could not but plan the ways and means for incontinently bringing into operation a measure similar to the Public Safety Bill. The Governor-General was doubtless advised

to exercise his extraordinary powers and to promulgate an Ordinance embodying the main provisions of the Bill.

It was on the 12th of April 1929, that Lord Irwin, the Governor-General and Viceroy of India, addressed a joint Session of the Legislative Assembly and the Council of State. The pomp and magnificence of such an occasion had, of course, been a well-established tradition of the House, which went back to the days of Clive and Hastings, but which emerged with a fresh splendour in the imperious regime of Lord Curzon. Vithalbhai had succeeded in getting this ceremonial cut down to the barest minimum. Very soon, after his election to the Presidential *Gadi* he had ensured that the Viceroy, whenever he chose to address the Assembly, addressed it from a seat by his side, and not from a golden throne above him. But the ceremonial, as a whole, could hardly be given up altogether, and Lord Irwin with all his love of simplicity could not but appear as an Easternised potentate from the West. Although, unlike his predecessors, Irwin motored down to the Assembly Hall, in a top hat and morning dress, the tone and tenor of his address were in complete accord with the Curzonian tradition. He said he had required the attendance of the Legislature that morning for two purposes. The first was to express resentment at the bomb outrage, and the other was to notify to them the steps he had taken to escape from the situation created by the Presidential Ruling. After having dealt with the first question, he proceeded to say:

"The second reason for which I have required your attendance this morning was to acquaint Hon'ble members with the decisions reached by *my Government* in view of the situation created by the ruling given yesterday by the President of the Legislative Assembly. The result of that ruling, *which it is not my purpose here to discuss*, is twofold. In the first place, it propounds an *interpretation* of the rules, which I am satisfied is *not in conformity with their original intention*.

"In the second place, *the practical* effect of the President's ruling, as it stands, is to debar Government from asking the Legislature to give it the additional powers which it conceives itself to stand in need of, and to make it impossible for *either Chamber* of the Legislature to record any decision upon Gov-

ernment's proposals, or to form its own judgment upon the question whether or not it could usefully conduct the debates on these proposals within the rules of order.

"I desire to state clearly the position of *myself and my Government* on both these issues. Entertaining, as it does, no doubt as to the *intention of the rules* in question, my Government is nonetheless constrained to recognise that *the only appropriate person to interpret*, within either House of the Legislature, *the rules* under which it works is *the President* of the House himself. If, therefore, the interpretation of the rules by the President of either House gives rise, as now, to a situation in which Government, for grave reasons, is unable to acquiesce, *the only effective* remedy is that early measures should be taken *to secure* by due authority, such *amendment of the rules*, as may be necessary to prevent any recurrence in future of a similar interruption in the normal legislative procedure. That course we propose to follow without delay, and in order that there may be no misunderstanding, I will add that the broad purpose of the amendment in the rules, which we propose to seek, will be to secure that the process of legislation, which it is within the power of the Indian Legislature to pass, shall not be prevented by the President of either House, *except in virtue of express powers* to do so conferred upon him by the Rules and Standing Orders.

"Meanwhile, and pending the possibility of further action in the Legislature, the primary responsibility for protecting the foundations of the ordered State rests and must rest upon the Executive Government, of which I am (the) head. Neither I nor my Government can neglect that responsibility, even though the technical difficulty created by the ruling to which I have already referred has made it impossible to share it with the Legislature. We cannot ignore the fact that the men behind the revolutionary movements, against which the Bill is directed, will not stay their hands, because the enactment by the Indian Legislature of preventive legislation is postponed. With this danger in view, and speaking with a full knowledge of much that can necessarily not now be publicly disclosed, I conceive that it has become imperative for Government to obtain the powers

proposed in the Public Safety Bill without further delay. I have accordingly decided, after a careful review of all the facts, to avail myself of the authority conferred upon the Governor-General under Section 72 of the Government of India Act, in order to issue an Ordinance, giving to the Governor-General in Council, the powers in question. The purpose of these powers, as the Legislature is aware, is preventive; they will affect none who are content to employ their liberty in this country for legitimate ends by legitimate means; and the conditions under which they will be exercised have been the subject of very full and careful consideration.

"I am fully conscious of the serious character of the personal decision which I have thought it right to take, but though the responsibility in this particular matter rests upon the Governor-General alone, I have no fear that my action will not command the approval of that vast majority of India's people, who have faith in India's future, and whose first desire is to see their country prosperous, contented and secure."

The Viceregal address failed to reveal any trace, whatever, of the so-called traditions of parliamentary democracy. If anything, it emphasised once more the 'limitations' imposed on the authority of the Legislature and asserted the principle of 'executive independence', which assigned to the Viceroy the indubitable role of a virtual dictator. The Viceroy was under no obligation to accept the advice of members of the Legislature that embodied the will and views of the people. This latest move on the part of the Government revealed the hollowness of any analogy between the Legislature and a democratic assembly. Contrary to public expectation, Irwin showed a distinct preference for the authoritarian voice of an I.C.S. officer. In effect, a challenge to the Chair and the Assembly was thrown out by this announcement which was of a far-reaching character and it foreshadowed a dual between the Executive and the Legislature.

Ever since Vithalbhai gave his ruling on the Reserve Bank of India Bill in 1927, the steel-frame fraternity of India had been showing their teeth to the President and the Assembly. They were disappointed in the President, whom they could not use

as a convenient tool and who was not docile enough to submit to their wishes; they tried to embarrass him and to handicap his work in all possible ways; they missed no single opportunity to limit his authority. Government, in fact, conducted a bitter feud against Vithalbhai in a systematic and persistent manner. Circumstanced as the country was, under the Constitution so peculiar as it was then, occasions of conflict between the Executive and the Legislature were bound to arise more frequently than probably the authors of the 1919 Act ever contemplated. Some of the officers of the Civil Service were known to have shown extreme reluctance to work out the new experiment in the spirit of frank co-operation and even left the country; others were gnawing at the root of this new experiment by a studied discourtesy, sometimes covert but very often overt, to the Indian Ministers; still others showed a sullen resentment at having to carry out their wishes and decrees. The Report of the Muddiman Committee bore ample testimony to their refusal to adapt themselves to the position of men who had to be responsible to the Legislature and to the tax-payer for their work and for their policy. They were absolutely unwilling to subordinate themselves to the Indian Legislature. There was, therefore, nothing unusual or extraordinary in the attitude of the I.C.S. officers of the Government whose motto was 'Govern or get out', particularly so, during the period of transition when the new order of things was struggling to put itself in the place of the old order which had held the field ever so long. A series of continuous subterranean activities with sinister potentialities was at its height at this moment and a climax could be expected any moment.

Vithalbhai was a veritable thorn in the flesh of the Executive; he nursed a proud spirit of independence and resented every attempt which smacked of an attack against national honour or national self-respect; he consistently refused to play second fiddle to the tune set by the clay-dogs of Simla; he cheerfully incurred their displeasure and wrath and often allowed his reputation for consistency, impartiality, sobriety and good sense to be dragged into the mire. He possessed too stout a heart to be troubled by contemptible manifestations of impotent malice and spite. His was not the soul that could be baffled by momentary annoyance

at the insolence or the egregious folly of a Civilian Officer. He knew he was there to represent, far more accurately than the Government of the day, the will of the people. Unconquerable optimism and inspiring faith were his guiding lights; these, and these alone, enabled him to weather and quell all the storms that raged around him.

Vithalbhai was, normally speaking, on the best of terms with Irwin. He was deeply impressed by the personal character of the Viceroy and his eagerness to see justice done to India. Since Ripon's regime, political India had felt, almost for the first time, that a distinct change had come over the attitude of the Head of the Government, though not of the Government as such, towards Indians and Indian aspirations. Indian politicians had begun to feel that Lord Irwin's personality was bound to effect a change — however slight that change might be — in the fundamental character of the real relationship of India with England, which the Montagu Reforms had failed to alter. Irwin truly represented some of the most generous instincts of his countrymen and had a spiritual idealism about him. He seemed to have recognized that compromise was the essence of the parliamentary system, and to have felt that Vithalbhai had all the virtues necessary for political co-operation. His breadth of vision, his catholic outlook, the deep moral urge and the religious bent of his mind stood him in good stead, and, often enough, he correctly understood the viewpoint of his adversaries. Irwin and Vithalbhai were obviously anxious to co-operate, but their task of co-operation in the affairs of the Assembly was rendered extremely difficult by the atmosphere around, which was surcharged with distrust and suspicion. During the period of suspense, and while the constitutional changes were under consideration, they had been exerting to their utmost to avert and had, as a matter of fact, on several occasions successfully averted what otherwise would have been grave constitutional crises in the conflict between the Executive and the Legislature. There is, at the same time, no doubt that the civilian officers of the Government of India exercised a very strong sway over Irwin, and in crucial matters, he did succumb to the pressure. Persistent attempts were made to create bad blood between the two. This

speech of Irwin confirmed the general impression that in the counsels of Government reactionary influences had got an upper hand.

It was a matter of deep regret and considerable embarrassment to Vithalbhair that Irwin had succumbed to official advice and come down to the Assembly himself and made the announcement in the House that steps would be taken to enact without delay a rule restricting the powers and authority of the Chair. He was cut to the quick at the prospect of having to cross swords with Lord Irwin himself whom he held in such high personal esteem.

Vithalbhair felt that the speech breathed an air of autocracy and that it echoed the cry of an out-and-out despot rather than the voice of a statesman representing the Crown in a Self-Governing dominion. The utility, though not the validity, of the ruling was disputed by the Head of the Government, who, by criticising the ruling in the way he did, revealed the unreal and artificial character of the Constitution. Irwin's speech created a stir and a sensation, such as had not been witnessed in the whole history of the Indian Legislature until that time.

As President of the Assembly, Vithalbhair was in no way concerned with the threats of the use of the power vested in the Executive by Section 72 of the Government of India Act, enabling the Viceroy to promulgate ordinances contrary to the declared wish of the Legislature. What Vithalbhair resented was that the Viceroy had *appeared* to criticize, within the four walls of the Assembly, a Ruling that he had given, and which the Viceroy had no right to criticize within those walls. It was certainly too much for any President to submit meekly to a move that was calculated to undermine the authority of the Chair. For a man of Vithalbhair's temperament the position was frankly impossible.

The matter, as things stood, was naturally bound to assume more or less a personal aspect, because it could certainly be urged that the prestige of the Viceroy was at stake. The display of these differences, in the public, between the Viceroy and the President, added a certain piquancy to the situation, which *compelled* Vithalbhair to make his protest as public as it could be.

The Chair of the Assembly, would have, of course, been the proper and the most appropriate place for it; but the prorogation of the Assembly session immediately after the Viceregal speech and the probability of Irwin's early departure for England on a political mission made it impossible for Vithalbhai to postpone the open remonstrance to an uncertain date in the future. In this predicament, the first thing he thought he should do was to enter his protest by a communication to Irwin personally, and this he did on the 8th of May 1929. In a letter marked by true statesmanship, sanity of temper and independence of thought, he made clear the nature of his objection to the procedure adopted by the Viceroy, which, he pointed out, was not only unprecedented and calculated to affect the dignity of the House and the authority of the Chair, but also marked a violent departure from constitutional usage; he could not tacitly accept a precedent that would encourage succeeding Viceroys to repeat the performance; he denied the right of anybody to encroach upon the privilege of the Chair to interpret the Rules and Standing Orders as they stood. (The text of the letter appears hereafter in this chapter).

This protest created an extraordinary sensation in official quarters and upset even the most thoughtful. Irwin was compelled to listen to the voice of reason and moderation. He was, in effect, called upon to choose between coercion on the one hand and conciliation on the other.

Irwin's reply dated the 10th of May, 1929, to Vithalbhai was couched in terms which were not only friendly but also conciliatory in tone and spirit. It ran thus:

'I cannot but feel that the greater part of your present thoughts is based on what seems to be a plain misunderstanding, particularly your impression that I criticised your ruling in such a way as to amount to an expression of censure on yourself. I am not without hope that a personal discussion might go far to clear up this misunderstanding and I should be glad to see you with this object before entering upon any more formal reply to your letter.

'It must be clear to both of us that our mutual task of co-operating in the affairs of the Assembly is a difficult one, during

this period of suspense, while constitutional changes are under consideration, and it would be extremely regrettable if any present misunderstanding were to prejudice not only the discharge of our immediate task but the inauguration of those future changes for which I, no less than you, devoutly desire a sure and successful issue."

Vithalbhai immediately sent the following reply on the 11th of May, 1929:

"I am afraid the import of my letter does not seem to have been fully appreciated by you. You will have noticed that there are two parts in my communication. In the first place I take exception to the procedure adopted by you in criticising my ruling within the precincts of the Assembly — therein I raise the point that it is not within your province to criticise the Chair in that way. In the second place, *having regard to the tone and the contents of the address and the circumstances in which the same was delivered*, one is entitled to read your remarks as tantamount to an expression of censure or what is in effect a censure. I am in a position to state that my impression has been shared by a large number of those who heard your address. The Press has also interpreted and viewed your remarks in that light.

In your letter you refer to the second point raised in my communication and not to the first. If in the circumstances you think any useful purpose will be served by personal discussion I shall be glad to wait upon Your Excellency and exchange views with you any time you send for me.

I do not see how and why any difference between us on the particular question now under consideration should stand in the way of our co-operating with each other, either in the discharge of our duties in relation to the affairs of the Assembly or in the matter of the inauguration of further constitutional changes in the larger interests of the country. I need hardly assure you that my services are always at your disposal in both these matters, if, when and to the extent you choose to utilise them."

Vithalbhai's lofty sense of public duty impelled him to accept with alacrity and willingness the Viceregal suggestion of a personal discussion. Jealous watchdog as he was of the dignity of the House, he was yet no worshipper at the altar of false personal

prestige, and so he lost no time in taking the Viceroy at his word and suggesting to him, after a frank discussion, a way out of the impasse in which the Viceroy, the President and the Legislature had found themselves, a way that would not compromise the position and status of the President of the People's House, and yet would not impair, in the least, the dignity of the Head of the Government. It was agreed between them that Vithalbhair should make the following statement in the Assembly when the Assembly met next. And so, on the 2nd of September, 1929, immediately after the question hour, he read it out:

"I desire to make a statement on a question concerning the dignity and independence of this House and the authority of the Chair which arose out of the address delivered in this Chamber to the Members of the Central Legislature on the closing day of the last Session by the Governor-General. As Hon'ble members are aware, it has been my constant endeavour, since I have been elected to this Chair, to uphold the dignity and independence of this House and the authority of the Chair to the best of my capacity. I have always maintained, and will continue to maintain, so long as I am in this Chair, that the House and the Chair are, subject to the Constitution, supreme within the four walls of this Chamber, and I would be unworthy of the confidence reposed in me by the House if I failed on any occasion to raise my voice in protest against any action, which in my view *seemed to challenge* or undermine that supremacy. I accordingly thought it my duty to address the following letter to His Excellency the Viceroy on the 8th of May last:

"Holcombe",

Simla, 8th May, 1929.

'My Dear Lord Irwin,

It was with considerable pain, surprise and sorrow that I listened the other day to your address to the two Houses of the Indian Legislature. Of course, it goes without saying that Your Excellency is entitled under the Constitution to summon the members of the two Houses at any time for the purpose of addressing them, but I am quite clear that Your Excellency's action in utilising the occasion for criticising the Chair's ruling

is not only unprecedented and calculated to affect both the dignity of the House and the authority of the Chair but also constitutes, in my opinion, a departure from constitutional usage and traditions. For these reasons it is impossible for me to acquiesce in the course Your Excellency has thought it right to adopt. Such a precedent might be repeated by your successors, and it is my duty, as President of the Assembly, to enter my strongest protest against it as soon as I can. The only question I am considering is whether I shall be right in making known my protest *now, by communication to the Press* or whether I should not wait till the Assembly meets and do so more appropriately from the Chair of the Assembly.

Perhaps, Your Excellency will agree that, though we have in the past more than once differed on matters relating to the Assembly, such differences have never been *publicly displayed*. It is a matter of regret to me that Your Excellency should have departed from that practice.

The proceedings of the Assembly would have disclosed that there was, to say the least, room for honest differences of opinion. The person occupying the Chair had, in the circumstances and in the situation that arose, to interpret the Rules and lay down the procedure as best he could in the exercise of his undoubted powers, and you yourself were frank enough to admit in your address that the only appropriate person to interpret in either House of the Legislature the Rules under which it works is the President of the House himself. In a matter of interpretation of the Rules and Standing Orders the only safe guide is to go by their language. Your Excellency will agree with me that I could only proceed on the Rules and Standing Orders *as they stand at present* and according to the best of my lights and could not go in search of an 'original intention' apart from the language of the Rules. While so, it is somewhat surprising that in more than one place Your Excellency refers to yourself and to your Government *not being satisfied as to my interpretation being in conformity with the original intention*. The emphasis laid by Your Excellency on my interpretation not being in accordance with the original intention, on my ruling being calculated to interrupt the work of

the House, and upon the Legislature being prevented from forming its own judgment on the question whether or not it could usefully conduct its debates, the reference to the technical difficulty created by my ruling standing in the way of your sharing the responsibility of protecting the ordered state with this Legislature, the intention announced in Your Excellency's address that the proper authority *will so amend the rules as to prevent the President of either House from impeding the progress* of legislation, all these appear to me in the circumstances and in the context, nothing short of a censure passed by Your Excellency upon my ruling. I need hardly point out that under the Rules and Standing Orders I am the sole and final authority on all questions relating to order arising in the House, and if my conduct is to be impugned it can only be impugned by a direct appeal to the House upon notice of motion properly given, when a straight issue would be laid down before the House and an amendment moved which shall test the judgment of the House. In no other manner and by no other authority could the ruling of the Chair be subjected to *any criticism* or censure within the Assembly Chamber of which I am the President. (Applause). Such indeed is the sanctity attached to the rulings of the Chair by Constitution and convention.

For obvious reasons I do not desire to embark on a discussion of the merits of the point of order before the House, though I still maintain that I was right in the ruling which I gave and that it was the only possible ruling consistent with the fundamental right of free speech and debate of the members of the House and with the House functioning as a deliberative Assembly.

It is not my purpose, and indeed it is not within my province, to deal with the question as to the necessity for any amendment in the rules nor am I concerned with the point as to whether the occasion warrants such amendment. I need hardly point out that the fact of Your Excellency having to fall back on your powers under Section 72 of the Government of India Act in the circumstances that have happened, neither enters into the merits of this communication, *nor could it be an element in the decision I arrived at on the point of order.*

CONFLICT WITH LORD IRWIN

I write this because it is possible that Your Excellency might not be in this country when I make my statement and I thought it was proper that I should let you know my intentions. Since you made your speech, I was searching for some precedent from the proceedings of the Parliaments of the Dominions in support of your action, and I am in a position to inform Your Excellency that never before has any representative of the Crown such as you have (has?) chosen to criticise any ruling of any Speaker of any of the Parliaments of the Dominions in the manner in which you have criticised my ruling.

Yours sincerely,
(Sd) V. J. Patel.'

On the 15th of May I received from His Excellency the following reply:

Viceregal Lodge,
Simla,
15th May 1929.

'Dear Mr. Patel,

His Excellency has received your letter of the 8th of May and desires me to thank you for the courtesy that prompted you to acquaint him with your intentions.

The action which you felt impelled to take is based upon the assumption that, in his address to the Legislature, His Excellency passed criticism or censure upon your ruling. His Excellency feels that *there has been in some quarters misapprehension both of the purpose of his address and of the language which he employed to give expression to it*, and therefore welcomes this opportunity of making plain in greater detail the precise implications of the action he thought it his duty in very difficult circumstances to take.

Without entering into the question of the merits of your ruling, which, as you correctly point out, are not now in issue, His Excellency desires me to say that it was no part of his intention by his address, *as indeed within the House he would consider it improper*, either to criticise the ruling you had given or pass censure upon you for it, and His Excellency regrets that his

words should have been so interpreted by yourself or others. *Such an interpretation* in the circumstances in which the address was delivered *was perhaps inevitable*, but His Excellency wishes me to make plain to you, and through you to the Assembly, *his entire concurrence with your view* that within the House it is the President, subject only to the House itself in the established form as indicated in your letter, who is the sole and final authority under the Rules and Standing Orders on all questions relating to the order that may arise. His Excellency indeed defined his position in his address, by emphasising that in his view the only person qualified to interpret within either House the Rules under which it works was the President of the House concerned. His Excellency accordingly desired to confine himself to pointing out *the practical results that followed* from the ruling, and to stating the action which in his view was imposed upon himself and upon Government for the proper discharge of their own responsibilities.

I am desired by His Excellency to add that he fully shares your anxiety to maintain the dignity of the House and the authority of the Chair. He earnestly hopes, and has no doubt that such hope is entertained by the President, that the passage of time may see the gradual establishment around the Chair of the Assembly, in the constitutional conditions of the Indian Legislature, of such a body of tradition, as has in the sphere of the House of Commons enabled each of a long line of Speakers to be successfully accepted as the impartial guide and trusted friend of all sections of the House. To this end His Excellency trusts that he and the President may continue to co-operate.

Since His Excellency has made it clear that it was not his intention to criticise your ruling, he does not feel it necessary to discuss the argument which you adduce upon the subject of Dominion precedents.

As regards the question you raise as to whether you should make your position known by publication of your letter and of His Excellency's reply through the Press, or by direct statement in the Assembly, His Excellency would suggest that the more convenient course would be that you should read to the Assembly, on as early a day as convenient, your letter to him and his

reply. His Excellency feels that the matter is one in which all members of the Assembly are directly interested, and that it would be proper that the correspondence should be directly presented to them.

Yours sincerely,
(Sd) G. Cunningham.'

"I breathed a sigh of relief when I read that reply which, in my opinion, constitutes a sufficient vindication of the dignity and independence of this House and the authority of the Chair which I thought had been seriously assailed. The Governor-General has here made it plain *that he had no intention of criticising or censuring the ruling*. He has also said that he would consider it improper for him to do so within the House. And more than that, His Excellency has expressed his entire concurrence with that part of my letter which defines the position in this respect that within the House it is only by the House itself that the ruling of the Chair can be subjected to criticism and censure.

"His Excellency has further made it clear in the reply *that in the circumstances* in which the address was delivered *such an interpretation* on his words as I and others have put *was perhaps inevitable*, and *he considers it regrettable that his words should have been so interpreted*. In view of what His Excellency has said, I am convinced that it was not his desire to establish a precedent derogatory to the dignity of the House, and I am sure the House would agree with me that the incident must be treated as closed.

"I desire to state, in conclusion, that nothing has pleased me more in His Excellency's reply than the sincere expression of his anxiety to see the establishment in this country of the best Parliamentary traditions and conventions and to co-operate with the Chair for that purpose, and I need hardly assure His Excellency and his Government that I fully echo his desire in this respect." (Applause).

There is every reason to believe that the statement was the result of a compromise. Private conferences and considerable exchange of views had obviously preceded it.

If the public mind was exercised over the whole of this affair, the officials too were on tenter-hooks all the time. In fact, there was among them a regular commotion and they were seen flitting about, here, there and everywhere, like fluttering doves.

Everybody who listened to the statement thought that they had found in Vithalbhai a Speaker as great as Lenthall who had the temerity to tell His Majesty the King himself that if he was the servant of the House, he was also its master. Every *Indian* journal and newspaper joined in this ever-rising chorus of approbation of and praise for Vithalbhai's well-merited triumph over the forces of reaction and privilege. None, not even his worst detractor among the Indians, could point an accusing finger at his conduct throughout the whole episode.

Vithalbhai's position was constitutionally correct. The snub was administered to him in the public, and he was naturally in no mood to put up with what amounted to, at least looked like, a vote of censure and a challenge. The Viceregal affront to the Chair was unique in the history of Parliamentary Government in the whole of the British Empire. Whilst the situation continued to be intractable, the temper and the conditions for an honourable compromise were not visible above the horizon. The Assembly Session had come to an end, the Government had shifted to Simla and Lord Irwin was preparing to go to England on a Government mission. On the other hand, Vithalbhai had left for Bombay and was not prepared, at first, for anything short of an apology. But friends who were as keen on knitting up the ravelled relations between Vithalbhai and the Viceroy as they were jealous of the self-respect of the Indian President did play some part in the drama, a part that eludes exact assessment.

The episode viewed in its proper perspective throws considerable light on the reptilious ways of the bureaucracy in India. Lord Irwin was a sympathetic Viceroy. Vithalbhai was a scrupulous guardian of Parliamentary procedure. And yet the bureaucracy could make the Viceroy, who had no intention whatever to censure the President, do so in effect. For, there is no gain-saying the fact that whatever sugar-coating Lord Irwin's reply may have provided, his address to the joint Session was a bitter

pill for Vithalbhair to swallow. On the other hand, Vithalbhair's confident assertion that after a thorough search of the proceedings of all the Parliaments of the Dominions, he was in a position to inform His Excellency that there was no precedent anywhere for the steps he had taken, must have touched Lord Irwin as a galling eye-opener — a jolting reminder of an overlooked fact. Did not the bureaucracy let down the Viceroy? An important point arising out of this episode had to be reaffirmed by the Viceroy: "Within the House it is the President, subject only to the House, itself, ... who is the sole and final authority ... on all questions relating to order." It is a pity that this clear vision and salutary temper did not prevail with Lord Irwin when, presumably under the influence of his advisers, he chose to make his speech before the joint Session of the Central Legislatures.

If Vithalbhair emerged triumphant in this otherwise sorry affair, it must also be admitted without reservation that the *amende honorable* made by Lord Irwin equally deserves the fullest recognition. A stern determination to safeguard constitutional principles, an intense desire to uphold the rights and privileges of the House, and an anxiety to vindicate the sanctity and the authority of the Chair animated the strong letter of protest which Vithalbhair sent to the Viceroy, and the Viceroy's response to it was as splendid, in the circumstances, as it could be expected to be.

Whatever the ramifications of the affair as a whole, Vithalbhair came off absolutely unscathed. The end of the controversy was hailed, practically, by every Indian journal as a triumph for the President. Vithalbhair emerged from it as a fearless and tenacious fighter, a champion of the constitutional rights and privileges of the Assembly and an upholder of the sanctity of the Chair.

Although the incident between Irwin and Vithalbhair closed in this way, the issue between the bureaucracy and the representatives of the people continued, as ever, to agitate the public mind. It may be noted here, in passing, that like its famous predecessor, the Rowlatt Act, the Public Safety Ordinance was a dead letter from the time it was issued. The Bill was never brought up again, as indeed it could not be, so long as the Rul-

ing stood. This in itself was a great victory for Vithalbhai and the Assembly.

The following questions and answers, on the 2nd of September, 1929, clear up the whole position, as it stood at the time, in regard to the Public Safety Legislation.

Gaya Prasad Singh: Will Government be pleased to state how many persons (with their names and nationalities) have been dealt with, up to date, under the provisions of the Public Safety Ordinance since its promulgation?

Crerar: No case has so far occurred in which it has been necessary to employ the powers conferred by the Ordinance.

Gaya Prasad: Then what was the urgency in promulgating the Public Safety Ordinance?

Crerar: I think, Sir, that the fact that no action has yet been taken under the Ordinance is no proof of any absence of necessity for it. The existence of precautionary legislation of this kind on the Statute-Book very frequently goes a long way to fulfill its object.

Diwan Chaman Lall: (1) Will Government state whether any undertaking was given to the Secretary of State for India on behalf of the Government of India in regard to the Public Safety Bill as stated in the Press?

(2) Will Government state whether it is a fact that the Secretary of State for India sanctioned the change in the rules governing the conduct of business of the Legislative Assembly relating to the power of the President to prevent or delay the making or discussion of a motion relating to a Bill, *on the express understanding that the Public Safety Bill would not be proceeded with?*

(3) Will Government state whether it is their intention to proceed with the Public Safety Bill? If the reply to this question is in the negative, will Government state whether the situation in India has so altered as to make it unnecessary for the Government to proceed with the Public Safety Bill, and whether, and if so what, circumstances have arisen under which the Government have been compelled to alter their decision to proceed with the Public Safety Bill?

Crerar: (1) and (2) I am not aware of the statement in

the Press to which the Hon'ble member refers; but if the alleged undertaking is that mentioned in part 2 of the question, the reply is that no such condition was suggested or imposed.

(3) Government are advised that the Ruling of the Hon'ble the President, given on the 11th of April, 1929, is still operative and precludes the resumption of the discussion of the motion that the present Bill, which was introduced last Session be taken into consideration. Meanwhile the Public Safety Ordinance is in force and the future course to be taken by Government in regard to activities, which the provisions of the Public Safety Bill and Ordinance are intended to control, will depend upon contingencies which cannot at this juncture be determined.

Chapter Thirty-Five

TUG-OF-WAR INDIAN LEGISLATIVE RULE NO. 17-A

EVER since Vithalbhai gave his historic ruling on the Public Safety Bill, it was definitely anticipated that the Government, as it was then constituted, would not quietly submit to the snub so effectively administered and that they would bestir themselves to take early steps to restrict the powers of the President so that no future President could act as a check upon the untrammelled whims and vagaries of the bureaucracy. In fact, in his Viceregal address to the Legislative Assembly, Irwin had in plain language hinted at the possibility of that eventuality. The constitutionally minded and the so-called sober and sane elements among the Indians opined that the Government of India should accept the ruling from the Chair without any further ado, as they had their Public Safety Ordinance proclaimed for six months, and as, in case of need, they could give it a further lease of life by virtue of the arbitrary powers vested in the Executive. There was also a faint hope entertained by a section of the Indian intelligentsia that the Labour Government in England on the eve of the issue of the report of the Simon Commission, and in consonance with the spirit of democracy as conceived by Englishmen in England, would prevent matters in India being brought to a head. But the bureaucracy, intoxicated by authority and misled by a false sense of prestige, took it into its swollen head to strike awe and terror into the minds of the ignorant and helpless masses, and to translate their megalo-maniacal ideas about themselves by treating the President and the Legislative Assembly as naught.

The Government of India falsified the hopes of the few, and confirmed the fears of the many, by issuing an official notification restricting the powers of the President of the Assembly. By a special notification published in the Government Gazette

of India amending the Indian Legislative Rules, the powers of the President were circumscribed so as to make it impossible for him to block the further passage of the Public Safety Bill. The new Rule was to be known as 17-A and it read as follows:

‘Notwithstanding anything contained in Rule 15 or Rule 17 the President shall not have or exercise any power to prevent or delay the making or discussion of any motion relating to a Bill made by the member-in-charge of a Bill, or to refuse to put or delay the putting of the question on any such motion, *unless such power is expressly conferred upon him* by, or such motion or the discussion or the putting of such question as the case may be is expressly prohibited or directly precluded by, any provision of the Government of India Act, these Rules or the Standing Orders.’

The discerning public was not concerned so much with the flagrant illegality of the procedure adopted in amending the Rules as with the insidious torpedoing of the spirit of the Government of India Act, and questioned the constitutional propriety of the step taken by the Secretary of State and the Government of India.

Assuming, without admitting, that the President was wrong in his ruling, could the critics hold that, whenever the Executive Government disagreed with a ruling of the President, they were justified in using their power, under the Act, to amend the Rules? If the Assembly itself had the power of drawing up its own rules, the position would have been different. Then the Government would have been obliged to carry their proposal in the House, before they could make it operative.

This action of the Government proved that not only had the Assembly itself no authority to make its own rules, but that it was not felt necessary by the Government, even as a matter of courtesy, to consult it at any stage in that behalf. From the constitutional point of view the position was simply ridiculous. In any event it was reprehensible on the part of the Executive Government to get round a Presidential ruling in the way they did.

By promulgating the new rule curtailing the President’s powers, the Government exposed themselves to the charge of abusing their rule-making powers.

Lord Irwin asserted in his speech that the interpretation of the rules, as propounded by Vithalbhai, was not in conformity with the 'original intention' of the Act. But, surely, the intention of the authors of the Act was, in all major legislation, to secure the positive acceptance of all the rules as they stood.

In regard to the 'subsidiary legislation of sufficient moment' proposed to be passed by the rule-making powers, the Joint Select Committee on the Government of India Bill had recommended the following procedure:

"The Secretary of State", they said in their first Report, "might conveniently discuss the draft rules with the Standing Committee whose creation had been recommended in that Report; Parliament would no doubt consider the opinion of that body when the rules came before them, as it was proposed that they should do, for acceptance by a positive resolution in both the Houses. The same procedure was recommended by the Committee for adoption in the case of rules of special or novel importance under other clauses of the Bill, other than those relating to the relaxation of the Secretary of State's control."

The Joint Committee went on to observe:

"It must be for the Secretary of State to decide which of the many rules that will fall to be drafted by the Government of India can be sufficiently dealt with by the ordinary process of laying them on the table of Parliament for a certain number of days."

In deciding this point, however, they recommended that the Secretary of State might obtain the assistance of the Standing Committee of Parliament.

These observations of the Committee show that they expected all special or novel cases to be placed before Parliament for positive approval before the rules were promulgated and that they imposed on the Secretary of State the duty of obtaining the opinion and advice of the Standing Committee as to which of the rules merited the positive assent of Parliament before promulgation.

The Government were asked in 1926 to lay on the table a list of the statutory rules promulgated since 1920, showing which of them were laid in draft form before the Parliament before being brought into force and which were brought into force at

once and laid on the table of the Commons and the Lords subsequently.

Sir Alexander Muddiman refused to present a table, but admitted that, except in the case of rules raising Burma to the status of a Governor's province, in none of the very numerous cases had Government sought the prior assent of Parliament. The rules framed since 1920 under the Government of India Act constituted specimens of the worst type of delegated legislation. Time was ripe for the exposure of the evils of that system and the vindication of the right of the Assembly at least to be consulted in regard to the rules.

As far as possible the rules were promulgated when Parliament was not in Session, thereby preventing timely intervention on its part. The plea of emergency could not reasonably be put up every time and in all these cases. In most of them it could only be a pretext for the arbitrary exercise of autocratic authority.

Lord Irwin's reply depriving the Assembly of its constitutional right to discuss and vote upon every amendment of the procedure rules was an ample indication that what was given to the Assembly by one hand was taken away by the other. Nobody could seriously approve of the Government launching the Meerut conspiracy prosecution and the Public Safety Bill almost concurrently.

If Government were not right in this matter, Vithalbhai was certainly right in acting as he did. The Nation's eyes were turned towards Vithalbhai and the Assembly at whom the affront was hurled by the Government. Feelings of anger and disgust agitated the public mind and they demanded a definite decision. Speculation was rife in the Press about the result of this discourteous and overt encroachment on the President's powers. The Assembly was expected, in certain quarters, to express their righteous indignation at this flagrant interference with the powers of its elected President, by the staging of a walk-out from the Assembly Hall.

The curtailment of the powers of the Chair was undoubtedly an insult to the Chair and the House, and if it was for the President to enter a strong protest against the encroachment on his power, it was equally incumbent upon the Assembly to lodge

an effective protest against the offensive step taken by the Government. Fight in the Assembly, after all, however, is a constitutional fight in which passion or impulses can have but a restricted play. It is a battle of wits in which intellectual keenness sharpened by a noble spirit of patriotism and fired by a noble belief in the guardianship of the peoples' rights is the true weapon of victory. The resignation of the President or the walk-out of the Nationalists could hardly be expected to achieve the object of compelling Government to withdraw the new rule.

The situation demanded a different — a less dramatic — method, a method more rational than sentimental. It was pointed out by students of the Constitution and Parliamentary procedure that the proposed rule was *ultra vires* in view of Section 67 of the Government of India Act which clearly laid down that: "Provision may be made by rules under this Act for regulating the course of business and the preservation of order, etc. ...," which meant that the amendment of the Assembly Rules could not be taken to relate to 'the course of business'. It was also a point for consideration whether the new Rule could be brought into operation in respect of a motion which had been already committed to the House. If at all, it could apply only to any new matter that might be brought before the House.

Just as Government were forced to place on the Statute-Book an amendment of the Indian Penal Code after Lokmanya Tilak's conviction under the sedition section, which was understood or interpreted as a tribute to the legal acumen of Lokmanya Tilak, this amendment which Government now made to the Indian Legislative Rules came to be interpreted as a just tribute to the legal acumen and insight of Vithalbhai.

The echoes of public indignation were heard on the floor of the House. Yusuf Imam's notice of an adjournment motion in respect of the Assembly Rules, censuring the action of Government, roused considerable excitement in the public mind, and a battle royal was eagerly anticipated between the forces of Government on the one hand and the Assembly and its President on the other.

On the 2nd of September, 1929, Neogy asked the following short notice question:

- (a) With reference to the recent amendment of the Indian Legislative Rules, will Government be pleased to lay on the table the correspondence between the Government of India and the Secretary of State on the subject stating at the same time, whether the opinion of any constitutional lawyer in England was obtained prior to its approval by the Secretary of State?
- (b) Were the Hon'ble Presidents of the Legislative Assembly and the Council of State consulted in the matter, and if so, will Government be pleased to lay on the table their recorded opinions?

And Brojendra Mitter, the Law Member, gave the following reply: (a) Government are not prepared to lay the correspondence on the table. They are not aware whether the opinion of any constitutional lawyer in England was obtained by the Secretary of State before granting sanction to the new rule (b). The answer is in the negative.

On the 3rd of September, immediately after his announcement or statement regarding the arrangement for the admission of visitors to the Legislative Assembly and for the guarding of the Assembly Chamber and Buildings, Vithalbhai informed the House that he had received a telegram from Yusuf Imam requesting the Chair to allow Mr. S. C. Mitra to move the resolution that stood in his name.

Before according his permission to Satyendra Mitra to move the Resolution, that stood in the name of Yusuf Imam, Vithalbhai said that he could not now move it in the original form in view of the fact that the Secretary of State had given his sanction to Rule 17-A. (When the Resolution was tabled, the Secretary of State had not yet accorded his sanction to it). Vithalbhai added that the mover was entitled to amend the Resolution in the light of the altered circumstances, and if he was apprised of the form in which the mover desired to move it, he would consider whether he should allow it or not.

Then ensued the following debate:

Mr. S. C. Mitra: With your permission, Sir, I should like to put the Resolution in this amended form:

"This Assembly recommends to the Governor-General in

Council that he be pleased to convey to the Secretary of State for India its considered opinion that:

- (i) by according his sanction under Section 129-A of the Government of India Act to the enactment of Rule 17-A he has forfeited the confidence of this House and the country,
- (ii) the part played by His Excellency Lord Irwin in the enactment of the rule is highly reprehensible and that,
- (iii) steps be taken forthwith to make this House the master of its own procedure by empowering it to make and unmake its own rules for the conduct of business.

Mr. President: Before I accord permission to the Hon'ble member to move the Resolution in that form, I should like to point out to the House that part (ii) which relates to the part played by His Excellency Lord Irwin in the enactment of this rule, is of doubtful admissibility, and I should like to hear if the Hon'ble member has got anything to say on that point.

Mr. S. C. Mitra: With great respect for your observation, I should submit that my proposed Resolution is perfectly in order. I think, Sir, that so long as my Resolution does not contravene any of the provisions of the Standing Orders or Rules, I submit that my Resolution is in order.

The Standing Orders that are concerned are Nos. 59 and 60. Page 116 of the Manual, and Legislative Rules 22 and 23. So far as I see, my proposed Resolution does not contravene any of the provisions of the Standing Orders or the Rules. But when you refer to Clause (ii) of my Resolution, I think you are referring to Standing Order 29. With great respect I submit that Standing Order 29 refers mainly to *speeches* and not to Resolutions; it does not govern the Resolutions at all. It is not my intention to reflect in any way on the conduct of the Governor-General in *my speech*. Even if the occasion arises, I think the time for ruling me out of order will come then, but as far as my Resolution is concerned, I submit that Standing Order 29 does not affect it at all. Of course, it may be said that, under *the inherent powers* of the Chair, you may intervene but in that

case I would submit that the Hon'ble the Law Member stated on the 9th of April last:

"With reference to a body like the Legislative Assembly, which is a creature of a Statute, all its powers are confined within the four corners of the Statute creating it. You may not stray *one hair's breadth*. When I say the four corners of the Statute, I include, of course, the Rules and Standing Orders made under the Statute. You may not stray *one hair's breadth* from the four corners of the Statute, and the Rules and Orders made thereunder. ..."

In reply to the President's question whether he agreed with the Hon'ble the Law Member's view, Mitra said that he did not, because the normal working of the House would come to a standstill if the President and the House were to depend on the Governor-General (who might be miles away) on every occasion for the interpretation of the Rules. At this stage, Neogy intervened, and, after pointing out that the only immunity which the Governor-General enjoyed, as laid down in Standing Order 29, was that a member shall not reflect *on the conduct of the Governor-General*, asked the House to note that, in the Resolution, reference was made to the part played by His Excellency, Lord Irwin, and not the Governor-General as such; and that the only immunity which Lord Irwin could claim under the Standing Orders would be in his capacity as the Governor-General. Vithalbhai said that that question would arise when the Resolution was moved and the immunity was claimed. At that stage, the question to be considered was whether the Chair had got *the inherent powers* to disallow that Resolution on the ground that it involved an abuse of the form and procedure of the House.

Mr. K. C. Neogy: I have already submitted that there is no express provision in the Rules or Standing Orders which would authorise you to rule out this particular clause.

The Hon'ble Sir James Creer: On the point of order, I submit that the part of the Resolution to which you, Sir, have referred is entirely out of order. In the first place I would invite your attention to the terms of Standing Order 29. The relevant words are as follows:

"A member *while speaking* shall not reflect upon the conduct of the Governor-General."

I now invite attention to Standing Order 61. That prescribes that the member in whose name the Resolution stands on the list of business shall, when called upon to move the Resolution, *commence his speech* by a formal motion in the terms appearing on the list of business. In other words, the formal terms of the Resolution constitute a part of the Hon'ble member's speech. That, I submit, attracts the restriction of Standing Order 29. The terms of the Resolution are a part of the Hon'ble member's speech and the Hon'ble member, *when speaking*, is precluded by Standing Order 29, from reflections, in the sense which is conveyed by the terms of this Resolution. I submit for your consideration, Mr. President, that if a matter appears in a Resolution which is *expressly precluded* by Standing Order 29, it is impossible for that part of the Resolution to be debated. For that reason also this portion of the Resolution is out of order.

Mr. President: Under what rule?

The Hon'ble Sir James Crerar: My suggestion is if that stands as part of the Resolution, it cannot be debated.

Mr. President: If a debate on a motion is not possible, is the Leader of the House contending that the Chair can rule it out? Under what power?

The Hon'ble Sir James Crerar: My point is that this portion of the Resolution is definitely out of order in view of the terms of Standing Order 29, read with Standing Order 61.

Mr. President: Supposing the Chair holds that *the proposing of a Resolution* is a different thing *from a speech on the Resolution* will the Hon'ble Member tell me under what powers given to me by Standing Orders or Rules he asks me to disallow this part of the Resolution?

The Hon'ble Sir James Crerar: On that construction of the case *I could not point to any particular Standing Order*. But I rely on the correct interpretation of Standing Order 29 read with Standing Order 61.

Mr. President: What I want the Leader of the House to tell me is this. In case the Chair comes to the conclusion that the proposing of a Resolution is a different thing from making

a speech on it, will he tell me under what powers he asks the Chair to disallow this particular part of the Resolution?

The Hon'ble Sir James Creer: I am not able to quote any specific Standing Order on that point, but I have already explained, Mr. President, that I rely on Standing Orders 29 and 61, which expressly declare that this portion of the Resolution is out of order.

Mr. President: Surely this is a point on which the Chair expects (can expect) the Law Member to throw some light.

The Hon'ble Sir Brojendra Mitter: Standing Order 29 refers to speech. What I submit is this. If the Resolution is in terms such that you cannot embody the wording of the Resolution in your speech, then surely you cannot make a speech in support of the Resolution. That being so, how can that Resolution be debated.

Mr. President: Under what express provision can I disallow it?

The Hon'ble Sir Brojendra Mitter: If you come to the conclusion that objectionable matter must necessarily be in that speech, on the true construction of Standing Order 29, you can disallow it because you have to enforce the Standing Order.

Mr. President: In that case *I can stop Hon'ble member from making a speech. How can I disallow the motion?*

The Hon'ble Sir Brojendra Mitter: If he cannot make a speech he cannot move (it). The motion must necessarily be an essential part of the speech, because that is the motion. If that motion is objectionable, then the speech in support of it should be ruled out of order. If that is ruled out, then the motion necessarily falls with it. I do not know whether I have made myself clear. Supposing the objectionable portion formed the Resolution, and there was no other part, the Member moving the Resolution must make a speech in support of the Resolution. Now that Resolution in (its?) terms is objectionable in a speech. It would indeed be an essential part of the speech itself and all the other matters in that speech must be in support of it. They are complementary to the objectionable portion. That being so, the whole speech becomes out of order. And that is so on account of the wording of the Resolution.

Mr. President: The Hon'ble the Law Member's contention the other day was that the Chair and this House were the creature of a Statute, and, *unless express power were given* to them to stop discussion or to disallow a Resolution on the ground that it involved an abuse of the forms and procedure of the House, they could not do so. His contention was that the Chair *had no inherent power*. I would like to know *whether there is any express power* which he can quote which will enable me to rule this motion out of order.

The Hon'ble Sir Brojendra Mitter: As I have said, Sir, beyond Standing Order 29 there is no other Standing Order or Legislative Rule covering this point. My submission is this, that you, being the authority charged with interpreting these Standing Orders, on a strict interpretation of them, (you?) can and should rule it out.

Mr. President: I am quite convinced that the motion itself involves an abuse of the forms and procedure of the House; I have not the slightest doubt about that. The question is whether I am entitled to rule it out *in the absence of any express power* in that behalf.

The Hon'ble Sir Brojendra Mitter: Probably you were (are?) referring to your last ruling. Let there be no misunderstanding about it, Sir. That was about quite a different matter and is clearly distinguishable. Your last ruling was upon a matter which was already in the possession of the House. This matter would not be in the possession of the House till you allow it. Therefore it is a matter entirely for you now. It is not a matter which is before the House. That being so, your last ruling is clearly inapplicable to the present case. Therefore, I will not say anything more about that last ruling. But what I do say is that, on a strict interpretation of the two Standing Orders, it is impossible for any Member to move the Resolution, because it *must necessarily involve* his stating that Resolution in a speech *and making a speech(?)* in support of it; and if the essential part be bad, then the rest must necessarily be bad also. Your power flows from those Standing Orders, because you have to enforce them.

Mr. President: I should like to know from Sir Darcy Lind-

say whether he thinks the Chair *has inherent power* to disallow this Resolution on the ground that it involves an abuse of the forms and procedure of the House.

Sir Darcy Lindsay: It is very difficult to hear the proceeding from this part of the House and I have been quite unable to follow the arguments put forward by the Mover and also some of the arguments put forward by the Home Member. I do not even know, Sir, what is the amended Resolution. I speak on behalf of this part of the House when I say that we are severely handicapped. You ask me, Sir, to put forward my views in the matter. It appears from your very remarks, Sir, that you should disallow the Mover from moving the Resolution (at all?). He has made an attempt to so amend a Resolution put forward by another Member as to put it in what may appear to be an objectionable form, a form contrary to certain regulations. You find difficulty, Sir, in ruling the objectionable portion out of order, because there is no Rule or Standing Order that directly empowers you to do so. On the other hand, Sir, you have expressed your view that the wording is open to objection, and on these grounds, Sir, I submit that you should disallow the Member from moving the Resolution.

Mr. President: *In the absence of any express power?*

Sir Darcy Lindsay: Does it not lie with you, Sir?

Mr. President: I think I have the power.

Mr. E. L. Price: Sir, it is laid down by Standing Order No. 61 that a member must necessarily begin his speech with the motion that he is moving. The motion, therefore, itself is the exordium, an integral part of his speech. He cannot, however, utter in his speech words that are prohibited by Standing Order 29. But, Sir, you are asking how you have specific authority to bar the motion. I suggest, Sir, that that is beginning at the wrong end. It is rather this, that you have specific authority to admit a motion that is in order, and, then (when?) a motion is submitted in an undesirable form, in a form that is not in accordance with the Rules or Standing Orders, you will

refuse to admit it. You will not assume authority to admit a motion in a form that you yourself condemn.

Diwan Chaman Lall: I should like to know, Sir, whether the reflection that is contained in Mr. Mitra's Resolution relates to such action in official capacity or not.

Mr. President: It is a very curious coincidence that this question, viz., whether the Chair has inherent power to disallow a motion or rule it out of order on the ground that it involves an abuse of the Rules and procedure of this House should arise on the very Resolution which seeks to protest against the action of the Governor-General in Council and the Secretary of State in enacting a rule purporting to deprive him of such power. It is a very curious coincidence, and I sympathise with the Opposition as well as the Government for the attitude they have got to take up in putting their respective cases. The Opposition, as far as I have been able to gather, contends that the Chair *has got no express power* to disallow this motion and, therefore, it must rule it in order although the motion involves an abuse of Rules and Standing Orders.

Mr. Jamnadas M. Mehta: Has anybody contended that?

Mr. President: It has been contended that the Chair has no express powers, and therefore it cannot disallow this motion. On the other hand, Government contend that, although the Chair has not, in so many words, the express power given to it, it must disallow this Resolution because, under Standing Orders 29 and 61 read together, the very moving of the motion constitutes an abuse of Standing Orders. As I said, I really sympathise with both sides of the House. This is all very amusing, but that does not absolve me from the responsibility of deciding the point of order that has been raised on the floor of this House. The question I have to decide is whether the part of the Resolution in question is in order. There is of course no Rule or Standing Order which gives the Chair *express* power to rule it out of order. At the same time there is no doubt that the Resolution cannot be moved without referring to matters which have been prohibited by Standing Order 29. In fact the only matters that could be relevant are those which come under prohibition. I am convinced therefore that no debate is

possible on this motion without wholesale infringement and abuse of the Standing Order in question, and yet I would be bound to admit the Resolution and put it to the vote of the House if I had no inherent power to rule it out. This would result in absurdities. I have no doubt in my mind that every occupant of the Chair of a deliberative Assembly possesses and ought to possess, if he is to function as such, inherent power to prevent the abuse of the forms and procedure of that body. It is no doubt true that these discretionary powers are liable to abuse, but for that the remedy is obvious. If the occupant deliberately and grossly misuses or abuses these powers, the Assembly can remove him by a vote of no-confidence. The remedy does not lie in the direction of endeavouring by any rule or resolution to restrict or take away those powers. I am convinced that the Chair has got the inherent power to rule a motion out of order on the ground that it involves an abuse of the rules and procedure, and I have no doubt that this motion does involve such abuse. I therefore rule that part of the Resolution out of order, and will allow Mr. Mitra to move the other parts of the Resolution....

Before, however, Mr. Mitra proceeds to move his Resolution, I should like to make one suggestion. I know several Hon'ble members are annoyed because the Secretary of State has sanctioned Rule 17-A, particularly at this juncture, when this Assembly was going to meet and when the Resolution on the subject had been tabled and ballotted. But before I really make any suggestion to the Hon'ble member, I should like to know exactly what the attitude of the Government would be in regard to proposals for the amendment of rules in future, so that the Hon'ble member (Mr. Mitra) and the House may know exactly how matters stand. If Government have no objection to state what their attitude in regard to the future proposals for the amendment of rules was going to be, I hope they would disclose it to the House.

The Hon'ble Sir Brojendra Mitter: Sir, I am much obliged to you for giving me this opportunity of stating the position of the Government with regard to the making of rules regulating the course of business and the preservation of order in the Chambers of the Indian Legislature. Government considered this

matter very seriously and they have come to a definite conclusion, and, as you, Sir, want to know the attitude of the Government, I shall state it as briefly as I can.

Under the Government of India Act, the whole duty and responsibility in respect of the Indian Legislative Rules are laid on the Governor-General in Council and the Secretary of State in Council, subject always to the control of Parliament. The Governor-General in Council cannot, under the Constitution, refuse to discharge this duty, nor can he share the responsibility with any other body. That is, Sir, the constitutional position. But the matter is not concluded by that in so far as the Government attitude is concerned. Hon'ble members will realise that the Government of India Act makes no provision for consultation with the Legislature. Although there is no provision in the Constitution, yet there is nothing in it to exclude the establishment of conventions or understandings whereby the Executive, charged with the duty of making the rules, may adopt the practice of approaching the Legislature for advice, before proposing any amendments. So far back, Sir, as May 1924, it was definitely announced in the House of Commons 'that the desirability of consulting the Legislature before changes are made in any statutory rules is always considered when the proposed change could suitably be made the subject of such consultation.' It would be observed that this policy, which has been the policy of the Government of India, contains a two-fold reservation. In the first place, the proposed change must be one which could suitably be made the subject of consultation with the Legislature, and in the second place, the desirability of consulting the Legislature in that particular case, when the first condition is fulfilled is to be considered. In accordance with that policy I can cite instances when the Legislature has been consulted before alterations have been suggested in the Legislative Rules. Thus, Rule 48-A which makes provision for the Railway Budget being discussed separately from the General Budget, was inserted after, and as a result of, acceptance by this House of a Resolution moved on behalf of Government for the separation of the Railway finance from the General finance. The present attitude of Government is a further step in advance, and they agree to bring

before the House all important alterations in the Legislative Rules before reporting them for the sanction of the Secretary of State in Council. I am sure Hon'ble members will realise that this represents a very considerable advance on the present convention. Government have given their most anxious consideration to this question and desire, so far as possible, to meet the wishes of the House in this matter. In this connection I would also make it perfectly clear that when amendments have been considered by the Legislative Assembly, Government will undoubtedly give the most careful consideration to the views of the House, but they cannot bind either themselves or the Secretary of State to do more than that, because, after all, the ultimate authority is the Secretary of State. I also want to make it clear that Government must retain one reservation; and that is a reservation in cases of emergency. Without such a reservation they cannot but feel that they would be doing precisely what I said under the Constitution they are not permitted to do, that is to say, they would be seeking to share the responsibility which is laid upon them by the Government of India Act with the Indian Legislature. If the Government must discharge the responsibility vested in them, they must remain the judges of what constitutes such an emergency as to require them to proceed without consulting the Legislature in respect of the change of any of the Legislative Rules. Subject to such exceptional cases, which it is the sincere hope of Government will be of the rarest occurrence, Government are in full sympathy with the establishment of a convention by which both Houses of the Legislature should be consulted before any important change is made in the Rules. That, Sir, is the Government's attitude.

Mr. President: To put it briefly, the attitude of the Government is that henceforth, in all matters of important amendments of rules, they would consult the Legislative Assembly before they submit their proposals to the Secretary of State, except in cases of emergency, and (when) the Assembly is not in Session at the time. In that case they reserve to themselves the right to approach the Secretary of State without consulting the Assembly. Such cases, according to them, would be very, very rare and exceptional. That being so, one point the Hon'ble members

have gained, namely, that henceforth they would be consulted before any proposal containing an important amendment of the Rules is taken up.

The further question proposed to be discussed by the Hon'ble member from Bengal really concerns the President no less than the House, and by common consent, you have appointed me as the custodian of the rights and privileges, of the honour and prestige of this House, and the sole director of its procedure, and I feel that no useful purpose would be served by discussing a vote of censure against the Government of India or the Secretary of State for not consulting the Legislature in regard to this particular amendment, because, so far as I have been able to gather during my experience of four years in this Chair, what the Assembly wants is not merely the right to be consulted, but full power to make and unmake its rules of business, irrespective of the Government of India or the Secretary of State. They are not going to be satisfied with the right to be consulted, but what they are concerned with is the main thing, namely, the right to make its own rules and unmake them. That being so, I am clearly of opinion that no useful purpose would be served by discussing this vote of censure on the Secretary of State and the Government of India. Hon'ble members are also aware that the whole of the Government of India Act, every rule and regulation made under it, are in the melting pot, and who knows what is going to come out of it? This particular rule, which has been recently sanctioned by the Secretary of State, is also in the melting pot and, in the meantime, I know, as your President, what the self-respect and the dignity of this House demands, and, if any occasion arises, I hope it will not arise, when it is necessary that I should fight for the liberties of this House and the dignity of the Chair, I hope Hon'ble members have sufficient confidence in me to believe that I shall rise to the occasion. ... I therefore trust that the Hon'ble member from Bengal will accept my advice and not raise this discussion at this juncture.

Mr. S. C. Mitra: Sir, I know full well that the House has complete confidence in its President (applause). I have taken into serious consideration the letter that His Excellency the Viceroy wrote for this House, which was read yesterday by you,

and also the statement made by the Hon'ble the Law Member. Although we object, and very strongly object, to the reservation of power in cases of emergency, yet I think I will be well advised to accept your suggestion and I therefore beg leave of you not to move this Resolution.

Thus ended this battle royal over the iniquitous amendment of the Indian Legislative Rules — an amendment which, the Government thought, restored their prestige, but which was of no practical value even to them.

Chapter Thirty-Six

DECORUM OF THE HOUSE AND CONTROL OVER THE ASSEMBLY STAFF

DURING the whole period of his occupation of the Presidential Chair, the one thing which Vithalbhai continuously strove to attain was the maintenance of the dignity of the Chair and the preservation of the decorum of the House. There were not a few occasions when he snubbed the members of the Assembly, official and non-official, when they swerved even by an inch from the correct behaviour, such as was expected in the House at all times. When the Bill to provide for the continuance of the protection of the Indian Steel Industry, as reported by the Select Committee, was adopted, some members cried 'shame', whereupon Vithalbhai said: "Order, order. The cry 'shame' has become so common in this Chamber that the Chair has decided to put its foot down in the interests of the dignity of this House" (21st of February 1927). On the 24th of March, 1927, Mr. B. Das was complaining that Vithalbhai had been departing from the practice of his predecessor and also from his own earlier practice in not allowing different provincial representatives to represent their views in the Budget discussion, when Vithalbhai said: "My predecessor had his own way. I have my own of regulating the debate." Das then resumed his seat; but some member said: 'Shut up', and Das retorted: "Very unfair." Vithalbhai asked him to withdraw that remark. Das, of course, withdrew it, but added that he was replying to his friend. Vithalbhai was glad to be informed that the remark was not meant for the Chair, but added: "Anyway, Hon'ble members should use more restrained and guarded language in this Chamber." During the general discussion of the Railway Budget, while Crawford was twitting Sir Victor Sassoon with the fact that he was 'forced to depend on the financial experience of his charming lady friends to support his contention that there has

been no fall in prices', Sir Victor was in the Gallery; and Vithalbhai remarked: "I take this opportunity of informing Hon'ble members that the Visitors' Gallery is intended for visitors and that it is not desirable that any Hon'ble member should go and occupy any seat in the gallery for any length of time." Talking on the General Budget, on the 13th of March 1928, Pandit Motilal Nehru asked whether it was open to the House to discuss, once more, the merits of the Constitution and the procedure of the Simon Commission on which the House had already arrived at a decision, Vithalbhai ruled: "The established Parliamentary rule of debate is that no member is entitled to speak against or reflect on any determination of the House except on a motion for rescinding it." When Vithalbhai noticed a member reading a newspaper in the House, he reprimanded him with the remark: "This is not the place for reading newspapers." On the 7th of March, 1928, when Mr. Anwar-ul-Azim put a question (No. 357) without rising from his seat, Vithalbhai remarked: "I think the Hon'ble member ought to make some pretence of rising from his seat." When N. M. Joshi and Bajpai were both standing in the House speaking about the amount spent by the Central Government on Primary Education, Vithalbhai remarked: "Two Hon'ble gentlemen should not keep standing at the same time." On one occasion, he had to tell Fazal Rahimtulla that he was not in order in referring to an amendment which had been ruled out by the Chair, nor could he read the substance of that amendment in the House. When the Rev. J. C. Chatterjee was boosting his Delhi League of Nations Union, in the House, Vithalbhai remarked: "This is not the place to make propaganda." On the 5th of March, 1929, in the course of the discussion on the General Budget, Crerar said: "A suggestion was made by a previous speaker (meaning Jamnadas) at a time, I regret to say, (when) I was not in my place, or I should have said then what I have to say — a suggestion was made that Government had resorted to certain disreputable means of obtaining support for the Radio Bill (Jamnadas had made the rather astounding statement that even public women were used as instruments for the purpose of getting votes for the new Radio Bill by the Government). ..." At this time Jamnadas

was not in the House, and therefore Vithalbhai remarked: "I think it is very wrong on the part of the Hon'ble member that he should make such serious and pointed charges against Government and not be in the place to hear the reply." The matter did not rest there. When Jamnadas returned to his place in the House, Vithalbhai made the following remark: "Before we proceed further, I should like to emphasise in the presence of Mr. Jamnadas Mehta, what I said a few minutes ago regarding his absence from the Chamber. Hon'ble members are aware that no Hon'ble member should be absent from this House in a debate in which the Hon'ble member himself has taken part and made very serious allegations against any other member or a Party. It is no excuse for him to say that, had he known that a reply was likely to be forthcoming, he would have been present. It is his business to sit in the House and watch further proceedings. Having made a pointed speech, with such serious allegations against a Party in the House, it is certainly very improper for the Hon'ble member to absent himself, as he has done, and I think he owes an apology not only to the Chair but also to the House."

This last-mentioned incident has a peculiar significance in the context of what was known in those days as the Commander-in-Chief episode. On the 8th of March, 1928, the Commander-in-Chief, in the course of his speech on the General Budget, made an announcement which, in the words of Jinnah, was 'in total defiance of the decision of the Assembly which was arrived at in its last Session at Simla, which endorsed without a division the unanimous recommendations of the Sandhurst Committee.' Jinnah gave notice on the 10th, that he would move that day for an adjournment of the House for the purpose of discussing that announcement. The adjournment motion was ruled to be in order, and taken up at 4 p.m. on that day. The Commander-in-Chief was not present in the Assembly at the time when the motion came up for discussion, and so, as soon as Vithalbhai noticed his absence, he said: "Before we proceed further, I desire to make an observation. I regard it as highly discourteous on the part of His Excellency the Commander-in-Chief that he should come here and make a long speech, and

that, when a motion for adjournment is discussed on that speech, he should not be in the House." The Army Secretary, Mr. G. M. Young, rose in his seat and gave the following explanation on behalf of his Chief: "Sir, with reference to what has fallen from you, His Excellency the Commander-in-Chief desired me to inform the House, *if the point should be raised*, that he did not receive notice of this motion — as indeed none of us received it — before 10 o'clock this morning, and that he had already made arrangements to be out of Delhi today." Vithalbhai said: "The Hon'ble member should have informed the Chair." Young's reply was: "I was instructed by His Excellency to do so if any member commented on his absence. I did not anticipate that that would be the case." Vithalbhai did not allow the matter to rest there. He informed Government that until the Commander-in-Chief apologised to the House for his discourtesy he would not allow him to make any speech in the Assembly thereafter. This sensational decision created consternation in the House and outside the House when it found its way to the newspapers. The Government House was shocked. It was a rebuke not only to the Commander-in-Chief, not only even to the Government of India, but it came as a veritable thunderbolt to the forces of the Crown as a whole. The Viceroy expressed his most profound concern over the incident, and in his own persuasive way, requested Vithalbhai to withdraw his threat. The Viceroy told him that the Commander-in-Chief had appointments with the Army Chiefs in the various parts of India, which he could not avoid, that he had long ago fixed up those engagements, and that he did not mean any discourtesy whatever, either to the House or to the Chair. No more persuasive language has ever been used by an Englishman so far, as Irwin used in his conversations with Vithalbhai; and yet Vithalbhai would not relent. Vithalbhai's reply was characteristic. He said that the dignity of the Chair and the honour of the President had to be upheld by the Head of the Government, and if the Viceroy himself overlooked such an insult to the Chair, administered by such a high authority as the Commander-in-Chief, he could not see where else he could look for protection. There was some correspondence between the Commander-in-

Chief and Vithalbhai. Irwin acted as the intermediary throughout, and ultimately the Commander-in-Chief expressed his regret in due form on the floor of the House, on the 21st of March, and with that the unfortunate incident was treated as closed. We give below: (1) the letter of the Commander-in-Chief to Vithalbhai, dated the 15th of March, (2) Vithalbhai's letter to him, dated the 18th of March, (3) the expression of regret expressed by the Commander-in-Chief on the floor of the Assembly on the 21st of March, and (4) Vithalbhai's response to it — All these, when read between the lines, and with the knowledge that Irwin played the part of a mediator throughout, prove clearly that Vithalbhai succeeded in getting his objective in the end.

COMMANDER-IN-CHIEF'S LETTER:

Delhi,
15th March, 1928.

Dear Mr. Patel,

I am writing to you in connection with the strictures which you saw fit to pass upon my absence from the Assembly when the motion for the adjournment of the House was moved on Saturday, the 10th of March, and which I have read with surprise.

I believe that I have invariably treated, as I should always wish to treat, the Assembly and all its members with due courtesy, and this courtesy has hitherto been reciprocated to me in all quarters of the Assembly. It is not for me to express any opinion about the terms in which the occupant of the Chair thought fit to refer to myself. But I cannot help thinking that you spoke under some misapprehension of the facts.

Though I value my privilege of being able to attend and address the Assembly, I am not a member of it. It has become the practice, as a matter purely of politeness to the Assembly, for the Commander-in-Chief to make important statements of policy in the Assembly in person; but as a general rule, the Commander-in-Chief and his predecessor have refrained from taking part in

controversial debates. The Army Secretary is the Government member in charge of military affairs in the Assembly, and he is by constitutional practice the responsible spokesman of Government when military affairs are under discussion. Apart from this general consideration, I would add that in this particular case it was impossible for me to attend the House, as I only received intimation that the adjournment was to be moved a few hours before this actually took place.

I am glad to observe that there was no indication that the House regarded my absence as discourteous, since neither the Mover of the motion nor the two speakers who followed him, before you intervened, had commented upon it.

I have written as I have, because I feel it right to state the facts clearly, and because I desire to make my position clear beyond risk of misunderstanding.

Yours truly,
(Sd) W. Birdwood.

VITHALBHAI'S LETTER:

20, Abkar Road,
18th March, 1928.

Dear Sir William,

I have your letter of the 15th of March delivered to me in the evening of the 16th.

Invariably Parliamentary practice in matters of this kind is for the person concerned to take the earliest opportunity, that is the next sitting of the House, to make a statement with the permission of the Chair explaining his absence: such explanation to be followed by appropriate observations by the Chair. Your Excellency has, however, chosen not to avail yourself of that opportunity, but has written this letter which, I regard in the circumstances, as more or less of a personal nature. I trust, therefore, that you will treat this reply also as of the same nature.

Let me say at once that I unhesitatingly accept Your Excellency's statement that it was impossible for you to attend the

House on that day in the circumstances mentioned by you in your letter. At the same time, I desire to point out that courtesy demanded that you should have been present during the debate initiated on your own speech on a highly controversial subject; but as Your Excellency was unable to attend, you should have brought the fact to my notice and through the Leader of the House asked me to put off the matter for a day or two to enable Your Excellency to be present. Under the circumstances, I have no doubt whatever that an expression of regret is due from you.

I am glad to know that Your Excellency has discreetly refrained from expressing any opinion on the propriety of the remarks I had made. I wish, however that you had avoided any reference to controversial matters, namely:

- (1) Your Excellency's position in relation to the Assembly, and
- (2) Whether the House regarded Your Excellency's absence as discourteous or not.

On both these matters I have my own views, and no useful purpose would be served by my discussing these questions in the course of this friendly letter.

I need hardly assure you that, personally, I have the highest regard and respect for Your Excellency, and that, in making the remarks in question, I was actuated solely by considerations of the dignity of the House over which I have the honour to preside.

Yours very sincerely,

(Sd) V. J. Patel

His Excellency Sir William Birdwood, Bart., G.C.B.,

G.C.M.G., K.C.S.I., C.I.E., D.S.C.I.

COMMANDER-IN-CHIEF'S EXPRESSION OF REGRET:

"Sir, before I speak on the Bill (The Indian Territorial Force — amendment — Bill) before the House, I should like, with your permission, to say a few words about another matter.

DECORUM OF THE HOUSE

I am sorry that I was prevented from being present in the House on the 10th instant, for had I been present, certain misunderstandings, I think, would not have occurred. *You and I have been able to clear up those misunderstandings between us*, and I am glad to be addressing you again, Sir, on the floor of this House. (Applause).

VITHALBHAI'S RESPONSE

"We are glad to see His Excellency the Commander-in-Chief in his seat today, and to have heard his opening sentences. Had the Chair been told before the debate was initiated on the 10th what it has learnt since, these misunderstandings would have been avoided. I should in that case have arranged for the postponement of the debate, and the remarks that fell from my lips the other day would neither have been occasioned nor made. As it is I am very glad that the misunderstandings have been cleared up. (Applause).

Another occasion when an official made his 'profuse apologies to the Chair and the House, for not having been in his place', when the decorum of the House required his presence, arose in March, 1929. It was then the turn of the Hon'ble Sir Bhupendra Nath Mitra. (Member for Industries and Labour) to make those 'profuse apologies.' He was called away from the House 'to dispose of some urgent business', and when he left the House 'for a few minutes', he had no idea that the motions standing before the one which he was due to move would be disposed of as quickly as they were. Sir Bhupendra's apologies were gracefully accepted by Vithalbhai, who said on that occasion: "I am sure the House will agree that the Hon'ble member has done just the right thing that any Hon'ble member similarly situated should do, and I congratulate him on it."

So, on the whole, Vithalbhai was eminently successful in preserving the decorum of the House, but there was no use denying the fact that his work in this direction was severely handicapped by the fact that the Legislative Assembly did not have a separate self-contained office — almost the entire staff of the Assembly being a part and parcel of the Legislative Department

of the Government of India. Efforts were made from time to time to separate the Assembly staff from the staff of the Legislative Department — even during the time of Sir Frederick Whyte, but all those efforts had come to nought, largely because the Government were unwilling to part with their control, however indirect, over the Assembly. One of the greatest achievements of Vithalbhai was the virtual removal of the control of the Legislative Department over the Assembly. The independence of the President and the House could not be complete until they were provided with a separate staff for the due performance of their high office and duties. The question was raised for the first time, on the 5th of March 1921, by Mr. E. L. Price (Bombay, European), when he moved his Resolution on the subject of the holding of Sessions and more frequent meetings of the Assembly. *Inter alia* he had pleaded then for a double staff or an independent staff for the Assembly on the ground of efficiency. Then on the 16th of March, 1922, Mr. P. P. Ginwala (Burma-General) had brought the matter once more before the House. He had urged that the Assembly staff should be self-contained and under the direct control of the President. Then came the Resolution of Mr. C. S. Subrahmanyam (Madras), on the 22nd of September, 1922, when the subject was debated at great length, and it was agreed that, in principle and in theory, that was the right thing to do, but that the time had not arrived when practical effect could be given to that proposal. The Government position was clearly stated, on the 1st of February 1924, in reply to Neogy's question on the subject, as under:

"The question was exhaustively examined after the Inchaape Committee submitted its report; and it has been decided that both in the interest of economy and efficiency it is desirable that the business of the Legislative Assembly should continue to be conducted by the Legislative Department of the Government of India."

Eventually, in accordance with a decision arrived at at the Presidents' Conference, held in January, 1926, the Legislative Department was formally addressed on the subject of separation of the office of the Assembly from the Legislative Department of the Government of India.

On the 16th of March, 1927, the following questions and answers were asked and given on the floor of the Assembly:

Sir Hari Singh Gour (on behalf of Sardar Gulab Singh): When do Government intend to create a separate establishment for the office of the President of the Legislative Assembly, and how much extra expenditure would it involve?

Mr. L. Graham: Government are not contemplating the early creation of a separate establishment for the Legislative Assembly. I am not in a position to estimate the amount of extra expenditure involved, as this would depend in part on the extent and method of the separation of the Assembly staff from the staff of the Legislative Department.

Sir Hari Singh: Is the Hon'ble member aware that this question has been agitating the members of this House ever since the first Assembly?

Graham: I may remind the Hon'ble member that he might have put down a cut in the grant, but he did not do so.

Sir Hari Singh: That is not an answer to my question. I want an answer to my question. Is it not a fact that members of this House have been agitating for a separate establishment ever since the first Assembly?

Graham: I think, Sir, my answer indicates the feelings of members of this House. If they did not put down a cut, I presume they are not deeply anxious about it.

Sir Hari Singh: My question has not been answered. I repeat it once more. Is it or is it not a fact that ever since the creation of the Indian Assembly, members have been asking for a separate establishment, and the Legislative Department have given assurances that the matter would be considered, but there were financial considerations which stood in the way in 1921, 1922 and 1923, which prevented Government from giving effect to the suggestions made by the House?

Graham: The Hon'ble member knows the answer better than I do. He has been in the House all the time and I have not.

Sir Hari Singh: May I ask the Hon'ble member whether he will reconsider the suggestion made on this side of the House that the Legislative Assembly must have an office of its own?

Graham: That has been considered and will be considered.

At this stage, Vithalbhai intervened, and made the following statement:

"I may inform the Hon'ble member that this is not a question with which I should remain unconcerned. As President of the Assembly I feel it more keenly than any other member of this House that the matter should be settled as early as possible. The question is under my consideration for some time past and whatever may ultimately be the decision of the Government in the matter, I have decided to prepare and submit a scheme to them for the separation of the office of the Assembly from the Legislative Department. It is only a question of time."

On the 21st of March, Sir Hari Singh Gour repeated the question in the following form: "Are Government aware of the inconvenience to which members of the Legislative Assembly are put owing to the fact that the Assembly has no separate Department of its own?"

And Graham had the audacity to give the following reply: "Government are not aware that any inconvenience has been felt."

As promised by him on the 16th of March, 1927, Vithalbhai submitted his proposals, on the 17th of August, 1927, regarding the Constitution of a separate self-contained office of the Legislative Assembly.

On the 18th of August, 1927, Gaya Prasad Singh asked the following questions:

- (a) With reference to starred question No. 971 of the 16th of March, 1927, regarding a separate establishment for the Legislative Assembly, have the Government received any scheme from the Hon'ble the President of the Legislative Assembly for the separation of the office of the Assembly from the Legislative Department?
- (b) If so, are Government in a position to place the scheme on the table, and to indicate their decision thereon?

On behalf of the Government Mr. W. T. M. Wright, Joint Secretary and Draftsman, Legislative Department, gave the following answers:

- (a) Yes, the scheme was received only yesterday and will

be considered by Government with as little delay as possible, after the close of the present Session.

(b) The answer is in the negative.

Sir Hari Singh Gour then asked if a copy of the scheme would be made available for inspection by members, and was told by Wright that he was not in a position to answer that question, but that Government would consider the matter.

On the 20th of February, 1928, in reply to questions asked by B. Das, Graham said that a copy of Vithalbhair's scheme was laid on the table, that Government had examined it, but that they had not reached a final conclusion. On the 23rd of February, Haji asked when Government proposed to provide a separate Secretariat for the Assembly, and was told that Government could add nothing to the information already supplied in reply to Das on the 20th.

On the 7th of March, Hussain Khan asked more or less the same question and was given the same reply.

On the 26th of July, 1928, the Government of India sent their despatch, to the Secretary of State, on the Constitution of a separate self-contained office for the Assembly, and they laid it on the table and circulated copies of it to members on the 17th of September. Meanwhile, on the 4th of September, to a question from Ranga Iyer, Graham had replied that Government had consulted the Secretary of State on the question and that they would put the scheme into operation as soon as possible after the sanction of the Secretary of State was received, and to a series of questions from Amar Nath Dutt, on the same day, Government had replied that they had sent their despatch to the Secretary of State on the 26th of July, that the Secretary of State had not been asked to accord his sanction by wire, that they were not prepared to take any action in the matter in anticipation of the Secretary of State's sanction, that Government did not believe that an unduly long time had been expended on it, and that Government had not observed any great keenness on the part of members to bring that matter up for discussion in the House.

On the 5th of September, after the question hour, Vithalbhair made the following statement on the floor of the House:

“With the permission of the House, I desire to make a statement on the question of setting up a separate and independent department for the Assembly. As an elected President, I am responsible to the Assembly and to no other authority. No President can afford to ignore or withstand the wishes of the House, either expressed or implied. It is no doubt true that he wields large controlling powers, and his rulings on points of order and procedure must be accepted as final, at least for the time being; but it is to be remembered that after all, the will he imposes upon the House is not his personal will, but it is the law of the House itself; and in all that the President does he is naturally restrained by a desire to have his action fully endorsed by the House as a whole. In fact, the ruling motive in his mind always is to act fairly between all Parties and to give satisfaction all round. Since I assumed charge of this office, I have found the Assembly and its President labouring under a serious handicap in two essential particulars, and this makes smooth and satisfactory working of the Legislative machinery very difficult. The President is an impartial interpreter and administrator of the rules of the House, but these rules are not made by it, nor has it the power to amend them to suit its requirements. They are amended from time to time by the Governor-General in Council with the sanction of the Secretary of State, and neither the Assembly nor its President has any right even to be consulted. In the interpretation of the rules, the President has to rely on the advice of the Secretary of the Assembly, and in the administration thereof by the office he has to rely on the efficiency, independence and reliability of the staff and the Secretary. Every member of the House has in the discharge of his duties to deal both with the Secretary and his staff, and if he fails to get satisfaction, the fault is naturally laid at the door of the President, who is supposed to be the controlling authority. It goes without saying that if the business of the House is to be carried on to its satisfaction, the Secretary and the staff must in some form be responsible to the House and its President, and not be subordinate to any outside authority. The President must feel that he is getting independent and impartial advice from the Secretary; the Secretary and the staff

must also feel that they are there solely to serve and further the best interests of the Assembly.

As matters stand at present, the Secretary of the Assembly owes no allegiance to it or to the President; he is for all practical purposes responsible to the Governor-General in Council. In every question at issue between the Government and the representatives of the people, he is bound to identify himself with Government. *He is invariably nominated a member of the House* and, as such, he joins a Party, votes with them, works for them, and is one of them. Neither the Assembly nor its President has any authority over him and can, therefore, in any way control his conduct in any matter connected with the Assembly. The President cannot in the nature of things, therefore, regard the advice of the Secretary in connection with the business of the Assembly as coming from a wholly impartial, unbiased and independent source, and it is natural for the same reason that the Assembly should desire radical reform in the present state of things. I am glad to be able to say in this connection that His Excellency the Viceroy has, *at my request*, discontinued the practice of nominating the Secretary as a member of the Assembly from this Session. But this, as the House will understand, is merely *a palliative* and the root cause of the trouble remains unaffected.

As regards the staff, I will only make one observation. My experience is that they feel difficulty in approaching the President freely, or in seeking his advice in the discharge of their duties lest, by doing so they should run the risk of offending their official superiors to whom they are subordinate. If, therefore, the Hon'ble members have not received the facilities, convenience, guidance and assistance they are entitled to, for the proper discharge of their duties, I want them to believe me when I say that it is not due to any want of will on the part of the President, but to the limitations and handicaps in his way. I know that the President could be more helpful to the House if the House had the power to amend its own rules of business, but this is out of the question under the present Constitution. But even under existing circumstances, he could give more facilities and convenience to Hon'ble members, and otherwise be of

greater help to them, if the Secretary of the Assembly was, in fact, such Secretary, and the office of the Assembly was independent and unconnected with the Government of India. Apart from these considerations, the very idea that the Secretary of the Assembly should be occupying a position of subordination not to the House but to an outside authority is in itself, to say the least, analogous (Anomalous?).

It did not take me long to realise all this after I assumed charge of the office in August 1925. The Presidents' Conference, which met in the following January, passed at my instance a Resolution advocating the creation of a separate office for the Assembly, quite independent and unconnected with Government. I communicated that resolution to the Government of India for favourable consideration and action. No reply was forthcoming to my communication, and I waited for more than a year in the hope that Government would take some definite action in the matter. I then prepared and forwarded to them in September last a detailed scheme embodying concrete proposals for setting up a separate department or office for the Legislative Assembly. The most essential demands contained in the scheme were three:

- (1) That the Assembly office should be separated from the Legislative Department of the Government of India, and be treated as an independent Department, and not merely, as an office attached to any department of Government.
- (2) That its principal officers and establishment should be under the control of the Assembly through its President.
- (3) That the financial proposals of the new Department should be included in the annual budget without any scrutiny by the Finance Department, the Assembly to be the final judge as to whether the proposed expenditure was necessary.

It was known to Government that I was very anxious to put the scheme through as soon as possible and had, therefore, expected that Government would treat my communication as urgent and deal with it accordingly. But I heard nothing from

them till about the middle of April following. In his letter, dated the 16th of April, the Secretary of the Legislative Department informed me that the Government of India had reached certain provisional conclusions on my scheme, and that His Excellency the Viceroy would be glad to know my views on them. When I left Delhi in March last, I had personally explained to His Excellency that I did not know how the Government were going to deal with my scheme, but it was necessary that the President of the Assembly and the Government should be in agreement before any despatch was sent to the Secretary of State, and for that purpose I should have an opportunity of discussing the matter with him at some stage.

The Government of India found themselves unable to accept the essential demands contained in my scheme. They were of the opinion that the Assembly office must be an office attached to one of the existing Departments of Government, and not be an independent office or department, their Legal Expert having advised them that the requirements of the Constitution demanded that it should be linked with the Imperial Secretariat. I am unable to agree with this view of their Expert; but, even so there is nothing to prevent the Government from including the new department in the portfolio of the Governor-General, and by convention to allow it to function independently of the Government as has been done to some extent by the Punjab Government in connection with the Council Department of the Punjab Legislature.

With regard to the second demand, the Government of India were of the opinion that, in order that the Secretary and the establishment could act efficiently and fearlessly, neither the President nor the Leader of the House should have any control over them. I fail to understand how they propose to bring this about. What is to happen to the power of punishment, suspension and dismissal now vested in the Governor-General in Council? If these powers are not to be transferred to the Assembly and its President under the new arrangement, they must and will remain with the Governor-General in Council. In that case, the separation of the office has no meaning, and it is not worth having. As for the third demand in the scheme, I have

been unable to understand or appreciate the reason given by Government for its rejection.

In reply to the Secretary's letter informing me of these provisional conclusions of the Government on my scheme I wrote back to say that I would go to Simla and discuss the whole question with His Excellency, pointing out at the same time that it was difficult for me to understand how the President was to run the show if he was to have no control whatever over the officers and the establishment of the new department. I accordingly did so, and had interviews with His Excellency. At the second interview, when the question was gone into somewhat more thoroughly, the Secretary was also present. I regret to say, however, that after conversation and correspondence no agreement was found possible.

Let me now, for the information of the House, outline the main points on which Government should, in my opinion, agree if the Assembly department is to be given a substantial measure of independence of the Government of India. They are:

- (1) If the Government of India maintain that they have no power to create a department to function independently, let the new department be included in the portfolio of the Governor-General, with a view to meeting the technical legal objections raised by the Legal Expert of the Government of India.
- (2) That the principal officers of the Department should be appointed by the Governor-General on the recommendation of the President.
- (3) That these officers can be dismissed, or otherwise punished, on an address by the Assembly to the Governor-General to that effect.
- (4) That the members of the establishment should be appointed by the President on the recommendation of the Secretary.
- (5) That they can be dismissed or otherwise punished by the President in consultation with the Secretary.
- (6) That the financial proposals of the Department prepared by the Secretary and countersigned by the President should be included in the annual financial state-

ment as a matter of course, and it should be left to the Assembly to make such modifications in them as they think proper.

I have no doubt whatever that without any amendment of the Government of India Act it is permissible to establish a separate department of the Assembly on the lines indicated above, either by convention or by necessary delegation in that behalf, if the Government choose to do so. I do not feel sorry, however, that the negotiations have fallen through, because the Assembly thereby get an opportunity to express its considered opinion on the points in dispute between me and the Government. May I, therefore, hope that the House would before this Session terminate discuss the whole question in all its aspects and record their own conclusions. I do not know if Government would be prepared to treat this business as official, or, at any rate, give a Government date for its discussion. If they are not so prepared, I would request His Excellency, indeed, I have already requested him, to allow non-official time for the purpose.

Before I close, I should refer to two or three matters arising out of the correspondence I had with Government in connection with the scheme:

- (1) Government seem to contend that the Clerk of the House of Commons and his establishment are immune from the control of the House as well as the Speaker. This is, in my opinion, a mistaken view. The Clerk and other principal officers of the House are liable to dismissal on an address by the House to the Crown, and the numbers of the staff, the right of regulating salaries, pensions, retiring allowances and fixing the age of retirement, etc., are regulated, and determined by a Commission with the Speaker as Chairman. The Speaker has also the right to require the dismissal of any member of the establishment. These are some of the methods by which the House and the Speaker exercise control over the department, and the measure of independence that they enjoy is secured to them by the House itself and can be taken away by the House

- at any time. Conditions in India are different, and the Legislatures are endeavouring to evolve a system of separate and independent offices in their own way.
- (2) In spite of the fact that no agreement has been reached between the President and the Government on the principles underlying my scheme, a Despatch has already been sent to the Secretary of State. I should have thought that the Government of India could have referred the points in dispute between them and the President to the House and, in fact, I had pointed out to them that if they sent a despatch without affording an opportunity to the House to express its views, the House was bound to resent such action very strongly.
 - (3) I will add one word more before I close. I regret I am not in a position to inform the House how far the provisional conclusions of the Government of India communicated to me by Secretary in April last have been subsequently modified. I asked for a copy of the despatch to enable me to know what exactly the final attitude of Government was in this matter, but the Government of India found themselves unable to comply with my request.

I apologise for the length of this statement. The importance of the subject is my only excuse."

Vithalbhais statement was followed by the following debate on the floor of the Assembly:

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Is this not an occasion, Sir, for the President to resign and take his vacant place on the Opposition front benches?

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, in view of the difficulty created by Government....

Mr. President: Order, order. The Standing Orders and Rules are quite clear that no question can be addressed to the President.

Mr. K. Ahmed: I am not putting any question to the President. I ask whether the Government of India Act, 1919, should not have been satisfied before the report was introduced.

The Hon'ble Mr. J. Crerar (Home Member): Mr. President, I have listened with close attention to the communication which you have just made to the House, and after consideration I shall, with your permission, take the earliest opportunity — I hope tomorrow — to make myself a statement explaining the position of the Government.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan, Urban): May I ask if the Hon'ble member will be prepared to lay the despatch which the Government have addressed to the Secretary of State also on the table of the House?

The Hon'ble Mr. J. Crerar: No, Sir. I regret that for the reasons — on the part of the Government of India referred to in Mr. President's statement — I shall be unable to lay the despatch on the table.

(Some Hon'ble members rose to address the House).

Mr. President: The Hon'ble member has promised to make a considered statement tomorrow and the Hon'ble members had better wait till he makes the statement.

Vithalbai's statement in the open House practically forced the hands of the Government to lift the veil of secrecy which they had put up, till then, under one pretext or the other. Crerar had now to come out, and, on the 6th of September, he made the following statement:

"Sir, with reference to the communication which you made to the House yesterday, I should like with your permission to take this earliest opportunity to explain briefly the position and intentions of Government. It must be apparent that there are certain aspects of the case on which Government are unable to concur in the views which you have expressed. It would be inappropriate on my part to endeavour at this stage to deal in detail with any matters of controversy, and I propose to limit myself to a concise statement of fact. You, Sir, on the 17th of August 1927, presented to Government a scheme for the setting up of a separate establishment for the Assembly. On the conclusion of the Simla Session of 1927, the examination of the scheme was taken up in (by) the Government of India and certain provisional conclusions were reached early in 1928. The rough draft of a despatch embodying these conclusions was pre-

pared before the end of the Delhi Session. As the Government of India were not able to accept the scheme of the Hon'ble the President in its entirety, it was thought desirable to place him in general possession of the points of difference between him and Government and, further, to give him an opportunity by means of informal conversations with His Excellency the Governor-General of expressing his views on this point. As the result of these conversations some points of difference were eliminated, but others remained. The despatch was revised and was sent to the Secretary of State on the 28th of July. Hon'ble members are of course aware that it is not permissible at this stage to lay the despatch before the House, but without indiscretion I may allow myself to say that there is much in the Hon'ble the President's scheme with which Government find themselves in agreement and that they have endeavoured to deal fairly in the despatch with all the points on which agreement has (not?) been reached between their views and those of the President. Hon'ble members will realise that while Government are awaiting a reply to that despatch, they are not in a position to discuss this matter fully; but lest Hon'ble members should feel that the case is being decided without their having a chance of expressing their views, Government are ready now to give an undertaking that before any scheme which the Secretary of State is prepared to approve is put into operation, Hon'ble members will, if they so desire, be given an opportunity of expressing their views. Whether the best procedure for the examination of the scheme will be by a general debate in this House, or whether the House would not be well-advised in the first instance to depute the performance of this task to a committee representative of the parties and groups in this House is a question for the House to decide. I venture to suggest that as a general debate in the circumstances which I have mentioned would seem unlikely to lead to concrete and practical results, the latter would be the better course; and inasmuch as I should hope to be able in due course to lay (on the table?) the papers necessary to enable the Hon'ble members to form a considered judgment in the matter, I am willing, if the House so desires, to move for the appointment of such a committee; and a day will be made available for the purpose

at as early a date as possible during the present Session. This committee could then be constituted and, as soon as Government is able to lay the papers, it would be in a position to take up the examination of the subject. Finally, Sir, I would like to draw the attention of the House to a fact to which you have referred that, pending the settlement of this matter, His Excellency the Governor-General, with a view to meeting the wishes of the Hon'ble the President, has decided that the Secretary of the Assembly should no longer be a Member of the Assembly."

Pandit Motilal Nehru, while fully appreciating the action taken by the President as the custodian of the rights of the Assembly, did not find the statement of the Home Member equally informing, as it left an impression on his mind that the reform which the President was trying to introduce was to be put off *sine die*. It was not clear to him as to what was to follow after the appointment of a Committee. By the time the recommendations of the Committee were considered by the House and another reference was made to the Secretary of State, he was afraid that the House would probably have ceased to exist and Lord Birkenhead himself would probably have 'shifted from Whitehall to Leadenhall'. He asked the Government to give them an opportunity and a day to discuss the whole question on its own merits, and with such materials as they had in their possession. Crerar replied that the House was free to have a day for the debate, but it was impossible for the Government 'to take a useful and contributory part in the debate', as they were unable either to lay before the House the details of the scheme submitted to the Secretary of State or to discuss it. Lala Lajpat Rai protested against the red tape methods of the bureaucracy which were nothing more than 'a mere pretence to postpone *ad infinitum* the settlement of the question.' He wanted practical business to be done on the floor of the House.

Vithalbhai realised that a deadlock was being created by the obstinate attitude of the Home Member, and therefore tactfully put forward a suggestion that a conference between the Leader of the House and leaders of the various parties should be held for deciding on the course of action to be ultimately adopted. The suggestion was accepted, and Party leaders met

in the room of the President. There was only a general discussion but no decision could be arrived at. However, they made a unanimous report that they should have before them the despatch of the Government of India to the Secretary of State on the subject. The Home Member was persuaded by them to inform the Secretary of State of the view of the conference and to request his permission to enable the House to discuss the despatch which had been sent to him. That permission having been received, the despatch was laid before them (as, indeed, it was laid on the table on the 17th), and considered by the Members in the second conference which met on the 20th of September to discuss the matter once more. On behalf of the Government no opinion was expressed at the conference, but the leaders came to certain definite conclusions unanimously.

These conclusions were embodied in the following motion, moved by Pandit Motilal Nehru on the 22nd of September, 1928:

"This House is strongly of opinion:

(a) that a separate Assembly Department should be constituted not later than the 1st of December 1928;

(b) that the Government of India should take immediate steps to secure the sanction of the Secretary of State to that part of the scheme which requires his sanction;

(c) that the scheme submitted by the President and amended by the Government of India should be modified so as to provide:

1. that the Assembly Department should be included in the portfolio of the Governor-General;

2. that the principal officers of the Department should be appointed by the Governor-General in consultation with the President;

3. (a) that these principal officers shall be liable to dismissal by the Governor-General in consultation with the President;

(b) that other disciplinary action against these officers should be in the hands of the President, subject to a right of appeal to the Governor-General;

4. that other members of the establishment should be

appointed by the President in consultation with the Secretary;

5. that these other members of the establishment shall be liable to be dismissed or otherwise punished, by the President in consultation with the Secretary, subject to a right of appeal to the Governor-General:

6. that questions of expenditure should be dealt with in the ordinary manner, but in case of difference of opinion on any item of expenditure between the President and the Government of India there should be a reference to the Governor-General, whose decision shall be final;

The House further requests the President to communicate this opinion to the Governor-General for such action as he may be pleased to take."

In his speech on the motion Motilalji explained that the proposal laid by him before the House differed in certain respects from the scheme drawn up by the President, but, as a beginning in the direction of a fully separate and self-contained establishment for the Assembly it could be considered a fairly satisfactory solution. The Assembly was in no sense subordinate to the Government; the members of the Assembly had equal rights, no Member having any superior rights to another Member, and therefore it was in the fitness of things that the establishment attached to the Assembly should also be independent of Government control. The motion that he had moved went a long way, though not the whole way, towards securing the independence not only of the Assembly but of everything appertaining to the Assembly — its office and establishment — from Government control.

In accordance with the practice in England, the President had insisted that the appointment of 'the principal officers' of the Department should be made on his recommendation by the Governor-General, in the same way as the Clerk of the House of Commons was appointed by His Majesty the King on the recommendation of the Prime Minister. The state of things in India was just the opposite of what obtained in England, where the Government is in a majority in the House and the Prime Minister

has the controlling voice. In India, Government was irremovable and always in a minority and had no more importance than any other Party in the House. There was therefore absolutely no justification for the Government to claim any controlling voice in the establishment of the Assembly. The President, as the mouthpiece of the House, must have a controlling voice in the office establishment of the Assembly. It was only in deference to the wishes of Party Leaders and in the interests of unanimity that he had substituted 'consultation' in place of 'recommendation' in this matter. All of them had accepted the suggestion of the President that, if at all it was necessary that the Assembly Department should be linked to what was called the Imperial Secretariat, it should be included in the portfolio of the Governor-General.

One material change, however, was suggested in the motion — the one in respect of the dismissal of these officers on an address by the Assembly to the Governor-General as proposed by the President. It was urged that the authority appointing these officers should be the authority empowered to dismiss or to punish them. The dismissal of the 'principal' officers was left to the discretion of the Governor-General whereas the right of taking disciplinary action in case of need was vested in the President. The subordinate members of the establishment were liable to be dismissed or punished by the President, in consultation with the Secretary.

It was accepted that, owing to some technical difficulties it was not possible to keep the Budget of the establishment independent of the Finance Department. It was therefore suggested that in case of a difference of opinion on any item of expenditure between the President and the Government of India there should be a reference to the Governor-General whose decision was to be final.

Lajpat Rai, Maulvi Muhammad Yakub, Purushottamdas Thakurdas, H. G. Cocke, among others, representing different party interests expressed their complete agreement with the motion, which was looked upon as conceived in the best spirit of a compromise. Crerar refused to enter into the merits, either of the scheme submitted by the Government to the Secretary of

State or the one outlined in the motion submitted by Pandit Motilalji. However, he promised to take the views expressed by the House into the most careful consideration and communicate the same to the Secretary of State before he arrived at any final conclusions.

The adoption of the motion by the Assembly without a division was a triumph for Vithalbhai. The question of the separation of the Assembly Department from the Legislative Department had engaged the minds of several members and also the Presidents of the Assembly since 1921, but all their efforts in that direction were paralysed by the red tape of the bureaucracy. The official mind is always averse to parting with powers and devises all sorts of methods, not always clean, and puts forth plausible pretexts for resisting every attempt to change the existing order inasmuch as every such attempt is looked upon with suspicion and as an encroachment upon their sacred and inviolable rights and on their close preserve. No wonder therefore that the Secretariat had so far devised all sorts of means to thwart all the attempts of the non-officials to secure some sort of independence for the Assembly and for its President. Exasperated by the continued shelving of this question Vithalbhai had taken up the matter with his characteristic tenacity and perseverance. The officials underrated the abilities of this most astute politician, who, notwithstanding all the continued opposition and resistance from official quarters to his scheme, forced their hands to come out with their cards, and utilised the very obstacles they put in his way to push his objective through. He was not the man to be deterred from his path by official frowns. He could hardly be swayed or silenced by specious arguments or apparent consolations. He had set his heart on the early achievement of this long overdue reform and concentrated all his efforts on the attainment of this goal.

Vithalbhai treated this question as a constitutional issue, and the motion now adopted by the Assembly was certainly a very great improvement on the existing constitutional position. His attitude on this question was influenced by these considerations only and every suggestion or proposal was examined by him in the light of constitutional development. He entertained

misgivings about the use of the expression 'principal officers.' According to his reading of English constitutional history there could be only one principal officer and that principal officer was the President of the House. This view finds support in no less an authority than Sir John Marriot himself, one of the acknowledged exponents of English Constitutional History, who has defined the position of the House of Commons as under:

"The Speaker has from the very first been the pivot of the parliamentary machine. *The principal officer of the House* is its representative on all ceremonial occasions, the regulator of its procedure, the guardian of its dignity and the President over its debates."

The use of the phrase 'principal officers' in the resolution was, in no way, appropriate and was likely to create complications and undermine the authority and dignity of the Chair. If there was going to be any 'principal officer', that must be the President of the House and nobody else.

The relationship of the non-official elected President with the Governor-General was determined by the adoption of this motion, but much depended upon the close and real co-operation of these officers in the interests of the future development of free and Parliamentary Government in the country on the line of the Dominions. The President needed protection, against the encroachments on his rights and the rights of the Assembly by the Executive Department of the Government of India, from the Governor-General who alone could exercise his authority by virtue of special and undefined powers vested in him by Parliament for the purpose of laying down healthy traditions and democratic conventions. Just as the Speaker can expect the protection of His Majesty the King, the President of the Assembly must be in a position to demand protection from His Majesty's representative. On the election of the Speaker, His Majesty the King sends through the Lord Chancellor the following message of assurance:

"With respect to yourself, Sir, although His Majesty is sensible that you stand in no need of such assurance, His Majesty will ever put the most favourable construction upon your words and actions."

If ever an elected representative of the people were in need of protection or assurance or encouragement, it was the President of the Indian Legislative Assembly who needed it most. President Patel, as almost a pioneer in the establishment of free traditions, had to encounter all the initial hardships and handicaps, and was therefore in the best position to appreciate the value of protection by the Governor-General against the reactionary steel frame of the Imperialists in the Executive. The principles underlying the separation of the Assembly Department from the Legislative Department placed the President of the Assembly in an independent position, and, one can well say, laid a sound and solid foundation, and made the President a real servant and a true master of the House.

The curtain on the question fell before the end of January, 1929, as can be seen from the following questions and answers on the 28th of January, 1929:—

Kumar Ganganand Sinha: Will Government be pleased to state:

- (a) What steps, if any, did they take immediately to secure the sanction of the Secretary of State for India with regard to such portion of the scheme of separation of the Assembly branch from the Legislative Department as was necessary and with what result?
- (b) Why did not the Government of India give effect to such part of the scheme as it could itself do from December 1, 1928, as agreed upon?
- (c) Was the Hon'ble the President consulted in this connection, when no action was taken on the 1st of December, 1928, in accordance with the Motion adopted by this House on the 22nd of September, 1928? If not, why?
- (d) What attempts were made by the Government to meet the wishes of this House as far as possible in this matter?
- (e) How do Government desire to proceed in this matter now?

Graham: (a) The Government of India, after considering the Resolution of the Assembly, placed themselves in communication with the Secretary of State.

- (b) Because no part of the scheme could be put into opera-

tion until the Secretary of State had sanctioned the appointments of the officers of the House.

(c) The Hon'ble the President was consulted before the Government of India addressed the Secretary of State. Thereafter no occasion arose to consult the President.

(d) & (e) Do not arise *in view of the setting up of the separate establishment.*

To Diwan Chaman Lall's question on the same subject, on the same day, Graham gave the following reply:

The Separation has been effected.

On the same day, i.e., the 28th of January, 1929, the Viceroy, in his opening speech, before the question hour, had made the following reference to the matter:

"Hon'ble members will recollect that, after a conference of leaders in this House last September, a Resolution was passed recommending the setting up of a separate establishment for dealing with the business of this Assembly. That Resolution was of the nature of a compromise which, while not going so far as your President desired, went rather further than the proposals which my Government had already submitted to the Secretary of State. Having regard to the support which the Resolution received from all quarters of the House, my Government decided to accept it with certain additions, which were imposed by the fact that this House had invited the Governor-General to take the new Department into his portfolio. It was understood that in so doing, it was the general wish of the House, in conformity with the Standing Orders, that the administration of this new Department by the Governor-General should be deemed to be non-controversial. That being so, it appeared desirable that the Governor-General, in the administration of this new Department, should be clearly placed in a position where no controversy could arise. For this reason we have amplified the scheme of the Resolution for providing for recourse to the Public Service Commission in all cases in which the exercise by the Governor-General of his powers as Head of the Department might at any time bring him into conflict with the President or with the Assembly. The same protection has also, for equally good reasons, been conferred, with his consent, on the President.

The drafting of Statutory Rules to regulate the conditions of service in the new Department now set up will necessarily take time, but good progress has already been made in this task. Meanwhile the Secretary of State has given his consent to the introduction of the scheme on a temporary basis."

This was indeed a great achievement; but the difficulties in its way, and the contribution of Vithalbhai towards that achievement can hardly be realised at their full value by anybody who did not have a peep into what was going on behind the scene, between Vithalbhai and Irwin. A knowledge of the interminable conversations and the confidential correspondence between them, as also Vithalbhai's correspondence with Graham and Crerar, would throw abundant light on the very complicated nature of this whole episode. Obviously, it would not be quite proper to give publicity to all the correspondence which the present writer has in his possession, but he feels no compunction in giving below an extract from a letter which Vithalbhai wrote to Motilalji on the 2nd of July, 1928, and some of the letters which Vithalbhai wrote to Irwin. They will give our readers a fairly correct idea of what was passing behind the scene, and of how the solution arrived at was a compromise for which as much credit is due to Irwin as to Vithalbhai. Besides this correspondence, there is an amount of correspondence in the present writer's possession which shows how Vithalbhai had fortified his position by getting information on the question not only from all the Provincial Councils of India, but also from the Dominions and from the Clerk of the House of Commons. Quotations from that correspondence would prove Vithalbhai's indefatigable energy and unlimited perseverance, but might not add much to the knowledge of our readers, and we shall therefore refrain from doing so.

*AN EXTRACT FROM VITHALBHAII'S
LETTER TO MOTILALJI:*

"Fintona",
Narayan Dabholkar Road,
Bombay, 2nd July, 1928.

My Dear Panditji,

I had your letter of June 27th, for which many thanks.

I am sorry I did not write to you after my return from Simla. I thought I had secured through the intervention of the Viceroy the separation scheme in spite of Graham and Company, but I was soon disillusioned. Within a week after my return to Bombay, I got a letter from Graham to say that the Viceroy had hurriedly accepted my views on certain matters and that, after fuller consideration, he had modified his opinion. The correspondence is still going on between me and the Viceroy with the result that in my last letter to him I asked him not to send the Despatch to the Secretary of State unless an agreement had been reached between me and the Government of India on the subject and that, in the meantime, I would put the whole case before the Assembly at its next meeting and take its decision on every important point involved. I know this will upset the Viceroy very much, but I also know that Graham & Co. are too powerful to allow him to have his way. The scheme will, therefore, come before the Assembly in September with a statement from me, and I will require all the support from the non-official members that it is possible to secure. ...

* * * * *

VITHALBHAI'S LETTERS TO IRWIN:

Cecil Hotel,
29th August, 1928.

My Dear Lord Irwin,

I am very grateful for your frank talk with me yesterday. The impression left in my mind is unmistakable: the Government of India have no use for me. They have no confidence in me and would, if they could, remove me today from the Presidential Chair. They are only afraid that they might not get a majority in the House to support them. Since my ruling on the Reserve Bank Bill and the subsequent developments, leading to the social boycott of the President organized by the Leader of the House during the last Session, I had suspected this much, but I was not quite sure. Our conversation of yesterday has removed all doubt in the matter. I am, therefore, seriously considering what I should do. Perhaps the best course for me is to inform the Assembly that the Government of India have

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no confidence in the President, and I would be prepared to admit for discussion any motion of 'no confidence' tabled by the Leader of the House, or (by) any other member. This is how my mind runs at present.

My only regret in this whole episode is that even you, to whom I used to look for advice in moments of difficulty and doubt, should have permitted yourself to suspect that the President of the Assembly is guilty of putting up Mr. Aney to give notice of certain questions regarding the Separation Scheme; but, perhaps, it is not your fault; it is the system under which the Civil Service is all too powerful for any Governor or Viceroy, however well intentioned, that is responsible for the result.

I am also sorry that the new Leader of the House (Crerar) with whom I am anxious to establish friendly relations should start his career with a similar bias against the President.

I now come to the proposed statement. I will be prepared to drop the idea of making any statement if you could induce the Leader of the House to make a full and fair statement on behalf of Government, explaining to the House the whole question in all its stages, to publish all the papers connected with the scheme, and to move for the appointment of a Committee to formulate the demands of the Assembly in the matter of this scheme and advise the Governor-General-in-Council generally on the whole question. It is also necessary, in order to avoid any misunderstanding, that the statement of the Leader of the House should be an agreed statement. If this alternative is not acceptable to Government, I am afraid I must make my statement, omitting therefrom all reference to our correspondence. I am also willing to discuss the statement with you and make the necessary modifications in the light of our discussion.

One word more. I wonder if you have considered the suggestion I made to you in my last letter that in making new appointments of officers you might take the President of the Assembly into consultation and formally ask him to submit names.

Yours sincerely,
(Sd) V. J. Patel.

His Excellency Lord Irwin, P.C., G.M.S.I., G.M.I.E.

V I T H A L B H A I P A T E L

Cecil Hotel,
3rd September, 1928.

My Dear Lord Irwin,

I enclose herewith a copy of my statement which we settled the other day. You will notice that I have made one small alteration on page 3 and underlined it in order to draw your attention. I thought the alteration was necessary to emphasise the main purpose of my statement, namely, that the Secretary of the Assembly and the staff should be responsible to it and not to the Governor-General in Council. I readily concede that you would like to make the statement still more colourless, but I hope you will also concede that it does not at all represent my true feelings, and that if I had my own way the statement would have been quite different. The statement neither meets with your approval fully, nor with that of mine; it represents, if I may be permitted to say so, the result of give and take on either side, but it cannot by any means be treated as an agreed statement.

Since my last letter to Your Excellency, in which I made reference to the impression which was left in my mind as a result of our conversation on the 28th of August last, and stated that I was seriously considering whether I should not inform the House that the Government of India had no confidence in me and, therefore, I was prepared to admit for discussion any motion of 'no confidence' tabled by the Leader of the House or any other member, we had two other meetings. In our conversation at these meetings you told me that the impression that I had gathered from your talk with me was wholly wrong and unfounded and, speaking for yourself, you assured me that you retained the same confidence in me as you had all along since we got to know each other rather intimately. After fully considering your suggestion that it would not be proper nor dignified on the part of the Chair to take any such step, I have decided that I should accept your advice and say nothing for the present, but wait and watch the situation, leaving it to those who feel aggrieved to take such action as they consider proper. Meanwhile, let us hope that by mutual co-operation and goodwill on

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both sides the atmosphere of suspicion and distrust, if any, would disappear.

Yours sincerely,
(Sd) V. J. Patel.

His Excellency Lord Irwin, P.C., G.M.S.I., G.M.I.E.

20, Akbar Road,
24th January, 1929.

My Dear Lord Irwin,

As promised in one of my recent talks with you I send herewith a draft of the statement which I propose to make regarding the separation scheme on the opening day of the Assembly. I do not know what you propose to say on the subject in your address, but I would like you to go through my draft and make such alterations and suggestions in it as you consider proper in the light of what you intend to say.

Your sincerely,
(Sd) V. J. Patel.

20, Akbar Road,
26th January, 1929.

My Dear Lord Irwin,

Your letter of yesterday has made me feel very anxious and uneasy, and I do not know what I should do. I have been revolving in my mind whether I should say anything at all on this occasion despite your strong feeling that the statement I have drafted would undo much of the good we have with difficulty succeeded in accomplishing. I have come to the conclusion that there is no point in my making any statement regarding which we have such radical differences of opinion, and which, after all, does not involve any question of principle. You have been really so fair to the Assembly and its President in the matter of the separation scheme that it would be ungracious on my part to say anything about which you hold such strong views.

VITHALBHAI PATEL

I wonder if it is possible for you to state in your Address that the separation scheme represents a compromise, and although it does not give all that the President wanted, you have no doubt both the Assembly and the President would accept it as a substantial step forward.

Mr. Cunningham 'phoned me up yesterday to say that you had decided to have my views on the draft rules for the new Department and had already instructed the Department to take immediate steps to do so. I need not say how thankful I am to you and how much I appreciate your attitude in the matter. It is surprising that the idea had not occurred to the Department and that it should have been left to you to make the suggestion. It goes without saying that if the despatch had been sent without obtaining the views of the President of the Assembly, the Government of India would have rendered themselves open to a charge of grave discourtesy.

Yours sincerely,
(Sd) V. J. Patel.

His Excellency Lord Irwin, P.C., G.M.S.I., G.M.I.E.

We may not close this chapter without reference to a matter of some importance in which some of our readers may be interested. As announced by the Viceroy in his Address of the 28th of January, 1929, the Public Service Commission was virtually entrusted with the task of making the higher appointments in the Assembly Department. It was, however, open to the President to suggest some names for being considered by the Commission. It will be interesting to notice from the letters, quoted below, that Vithalbhai suggested in April, 1930, the name of Mr. Chagla (now Justice Chagla) for such consideration for the post of the Deputy Secretary, Legislative Assembly Department. That he was not ultimately selected may have been due to the fact that, at the time, he had not put in ten years at the bar, which was one of the qualifications asked for by the Commission, but it may also be that the civilian clique which surrounded the Viceroy did not care for this 'rank outsider', recommended by the recalcitrant President. Anyway it is fortunate that he was spared for much greater and nobler services for the country.

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Here are Vithalbhai's letters to (1) Irwin and (2) Barker, the Chairman of the Commission and (3) the letter of Cunningham, Secretary to the Viceroy, to Vithalbhai.

Holcombe,
Simla, the 23rd April 1930.

My Dear Lord Irwin,

I have just come across Mr. Setalvad's letter recommending Mr. Chagla and also a list of his qualifications. I send herewith both these to you for such use as you might like to make of them.

I also enclose a copy of the letter I have just written to Mr. Barker on the subject.

Yours sincerely,
(Sd) V. J. Patel.

His Excellency Lord Irwin, P.C., G.M.S.I., G.M.I.E.
Viceregal Lodge.

Holcombe,
Simla, the 23rd April, 1930.

Dear Mr. Barker,

I am extremely sorry I have not found it possible so far to reply to your letter of the 3rd of February 1930 regarding the appointment of the Deputy Secretary, Legislative Assembly Department. The fact was that a discussion with His Excellency was necessary before I could give any final reply and somehow both he and I could not find time to attend to this matter earlier. It was on the 3rd of April that I took the file to him and after some discussion we decided to meet again. Yesterday we met and he has asked me to inform you that he wishes to take an early opportunity of discussing the matter with you personally. In the meantime I suggest to you, with the approval of His Excellency, the addition of the name of Mr. M. C. Chagla, Bar-at-Law, High Court, Bombay, who may usefully be invited for an interview along with the seven selected by the Commission. I might mention that Mr. Chagla has not put in ten years at the Bar and was therefore debarred from applying under the

VITHALBHAI PATEL

terms of the advertisement. But I am sure this will not come in his way if he is otherwise found capable at the interview. The main file is herewith returned.

Yours sincerely,
(Sd) V. J. Patel.

W. R. Barker, Esq., C.B.,
Chairman, Public Service Commission.

Viceregal Lodge,
Simla.

24th April 1930.

Dear Mr. Patel

His Excellency asks me to acknowledge with many thanks your letter of 23rd April with its enclosure regarding Mr. Chagla.

Yours sincerely,
(Sd) G. Cunningham.

The Hon'ble Mr. V. J. Patel.

Chapter Thirty-Seven

PROPAGANDA AGAINST THE CHAIR

ONE of the duties Vithalbhai though he was called upon to take on himself during his occupation of the Presidential Chair was to bring about a close association between the President of the Assembly and the Presidents and the Deputy Presidents of the various Provincial Legislative Councils. The idea of a gathering of all these Presidents had emanated from the brains of Montagu and it had been cordially endorsed by Reading. Along with these gatherings or conferences, and in keeping with the spirit underlying them, Sir Frederick Whyte, the first President of the Assembly, thought it necessary to undertake, and did undertake, a tour of several provinces from time to time. The first of these tours he undertook in July and August, 1921. In reply to a question tabled by S. C. Ghose, Sir Frederick informed the Assembly on the 3rd of February, 1925, that it was Montagu who had told him that 'it would be advisable for the President of the Legislative Assembly to establish friendly relations with his brother Presidents in the Provinces', and that in response to that suggestion, he had visited three provinces in July and August, 1921. In 1925, after his election to the Chair, Vithalbhai asked Reading whether he, as 'an *elected* President and *not an appointed* President with Parliamentary experience', should continue the practice, initiated by Sir Frederick, of visiting the Provincial Councils and having annual conferences with the Presidents of those Councils. In reply he was informed: "His Excellency is of opinion that the change from appointed to elected President has not affected the position and that it is desirable that the elected President of the Legislative Assembly should maintain the same relations with the elected Presidents of the local Legislative Councils as were maintained by his predecessor with the appointed Presidents of their Councils." At the annual Confer-

ence of Presidents in January, 1926, the Provincial Presidents who attended that Conference recorded their unanimous opinion that the purpose of those conferences would be more effectively carried out if the President of the Assembly visited the Provinces from time to time for discussing with each Provincial President the difficulties and intricacies arising in the procedure. In the interest of a co-ordination of practice and a general uniformity of procedure, as between province and province, nobody could deny the desirability of these visits.

And yet, in its issue of the 24th of August, 1928, the *Times of India* made a scurrilous attack on Vithalbhai for having undertaken these tours. It accused him of 'gadding about the country', and asked who paid for that gadding about. It drew a comparison between Vithalbhai and Sir Frederick, said that Vithalbhai did not possess Sir Frederick's expert knowledge and experience, and questioned his ability to advise local Presidents. It insinuated that he abused his position, his powers and his privileges, and that he went about discussing or preaching politics. It went further and became definitely vulgar. It asked: "Is it merely a way of getting rid of that money with which he likes to be ostentatiously magnificent?"

Several questions were asked on the floor of the Assembly, from time to time, questioning the propriety of these attacks on the President of the Assembly. Vithalbhai promised to make a statement on the matter in due course. On behalf of the Government, Crerar said that Government were not aware that the article, in question, of the *Times of India*, gave any legal grounds for taking action.

On the 4th of September, 1928, Gaya Prasad Singh asked for leave to move an adjournment of the House to discuss this matter. Munshi Iswar Saran and Maulvi Muhammad Yakub supported Gaya Prasad. Crerar said that the purpose of an adjournment motion ordinarily was to discuss a matter of policy for which Government was responsible and, as Government entirely disavowed any responsibility for that article, the adjournment motion was uncalled for. And Vithalbhai gave the following reply:

Mr. President: This is one of those matters in which the

President and the House are apt to go wrong if they permit themselves to be moved by indignation at the nature and character of the attack. I am grateful to the Hon'ble member for giving me 24 hours' notice. That has enabled me to look into the Parliamentary procedure and precedents and give my considered decision. I have no doubt whatever that the matter proposed to be discussed is a definite matter; I have also no doubt that the matter is urgent, and it is quite clear that the matter is of public importance. But that is not all. Because the matter proposed to be discussed is a definite matter of urgent public importance the President is not bound as a matter of course to rule the motion in order. Hon'ble members will find that the Standing Order No. 11 gives wide discretionary power to the President to admit or disallow a motion for adjournment. A matter may be urgent, it may be definite, it may be of public importance, and yet the President may in a proper case disallow such a motion.

Now, in this particular case, I have, as I have already pointed out to the House, looked up Parliamentary procedure and precedents and I have come to this conclusion. Generally speaking, motions for adjournment under Standing Order No. 11 must have relation, directly or indirectly, to the conduct or default on the part of Government, and must be in the nature of criticism of the action of Government. I am quite clear about that, and I am supported by Parliamentary precedents in that respect. It is not necessary for me to quote those precedents at all, but just for the information of the House I should like to mention one case in which a member obtained leave in the House of Commons to move an adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely 'the articles of a scandalous nature which have appeared in the *Daily Mail* and other papers relating to the conduct of certain members of this House.' We are dealing with a case in which there is an attack against the President; that was a case in which there was an attack against members of the House. Now, when the business under discussion at a quarter past eight was postponed, the Speaker said:

'The House is aware that we have fixed 8-15 for discussion

of the motion, that the Hon'ble and gallant member for Finsbury has been given leave to move. The leave was given. But on reflection I think I ought to inform the House that I have come to the opinion that I was wrong in accepting that motion. When the Hon'ble and gallant member rose to ask for leave to move the adjournment, I considered in my mind the points which were involved in Standing Order 10, namely, whether the motion was for the purpose of expressing a definite matter: I thought the matter was definite; whether it was urgent: I thought it was urgent. I thought it was a public matter and I thought it was an important matter. Thereupon I accepted it. Perhaps also I was moved with some indignation at the character of the attack and the nature of the attack which has been made upon certain members of the House, but I confess that I had not in my mind at the moment the rulings which had been given on former occasions that motions for adjournment under Standing Order No. 10 must have some relation to the conduct or default of Government and must be in the nature of criticism of the Government either for having done some action or for having omitted to do some action which was urgently necessary at the moment. The motion of which the Hon'ble and gallant member gave notice, namely, to call attention to the articles of a scandalous nature which have appeared in the *Daily Mail* and other papers relating to the conduct and character of certain members of this House does not affect the Government and whatever may be the decision of the House, either in adjourning or refusing to adjourn, the action of the Government is not in issue at all. Therefore, I do not think that the motion can properly be made. It raises a false issue. Hon'ble members when asked to vote aye or nay on the motion for adjournment would be asked to pronounce an opinion that would leave the Government intact. Indeed the Government would not necessarily take any part in the discussion of that question. To that extent the motion raises a false issue.'

'The Speaker of the House of Commons then asked the Hon'ble member if he could not see his way to drop the motion. Leave having been given, it was not in the power of the Chair to prevent the Hon'ble member from making the motion. The

Hon'ble member accepted the suggestion of the Chair and did not make the motion. This case is analogous to the case I have just read to the House. I go further and say that if it is the intention of the Hon'ble member from Bihar to raise the question of privilege — and I do not know how far the question of privilege does arise in this case — I should say at once that no discussion on a question of privilege can take place on a motion of adjournment. I lay it down definitely and unambiguously. Under these circumstances, I regret I must disallow the motion for adjournment.

"There is one word more which I would (should) like to say. Let not this ruling be understood to mean that the House has no remedy whatever in such cases. I hold that it is the inherent right of any Assembly to defend itself against outside attacks and it is perfectly open in a proper case for the House to table a substantive motion and pass a vote of censure or condemnation on the attacker. But that is a different matter. On a motion for adjournment this cannot be done. I therefore disallow this motion for adjournment."

Not even a week was allowed to pass by, since this move for the adjournment of the Assembly was discussed. In the issue of the 8th of September, 1928, of the *Times of India*, there was a stronger attack on Vithalbhai, calling into question his impartiality as President of the Assembly. In fact, Vithalbhai's ruling in connection with the Public Safety Bill, and his attempts to get an independent secretariat established for the Assembly, had completely alienated from him the officials of the Central Government, and European Press correspondents thought that they could now count upon their secret, if not open, sympathy. Some of them now began to whip up the Bolshevik bogey, and to indulge in the dangerous game of tarnishing with the same brush everybody who opposed the Public Safety Bills, from Sir Purushottamdas, the commercial magnate, to the Labour leader, N. M. Joshi, as the followers of Marx and Lenin. And Vithalbhai himself could not escape their castigations. They could not believe that he was impartial. Did he not give his casting vote against the Government which sought effective powers to deal with immigrant Bolshevik agitators and organizers?

It suited an influential section of the Anglo-Indian and the British Press to distort all the actions of the 'Swarajist' President and to cast aspersions on his motives. They simply refused to believe that Vithalbhai had cast his vote against the Bill, not because he was opposed to the measure — and nobody knew whether he was opposed to it or not — but only because it was his definite opinion that:

'When any member of this House seeks to place on the Statute-Book any law of an extraordinary character he should convince this House and get a clear majority in his favour. The Hon'ble member (Mr. Crerar) has failed to convince this House and to get a clear majority in his favour.'

In spite of this clear exposition of his stand by Vithalbhai, the Anglo-Indian Press thought that here they had their opportunity to satisfy their devilish cravings for mendacious libels on the first elected non-official President of the Assembly. Even the London *Times* did not scruple to take part in that campaign of vilification.

It was apparent to the Indian public that all these attempts to blacken the public character of Vithalbhai were a part and parcel of an organised propaganda to try and compel him to vacate the Chair of the Assembly. These journals and their agents did not realise that they had exhausted the patience of Indian public leaders, who were exasperated by the nefarious conspiracy into which they had entered, and were therefore not prepared to tolerate such propaganda any longer. Pandit Motilal Nehru took up the matter and drew the attention of the Government and other members of the Assembly to the urgent need of protecting the dignity of the Chair against the scurrilous propaganda that was being indiscriminately conducted by the Anglo-Indian and British Press.

On the 14th of September, 1928, Motilalji raised on the floor of the Assembly a debate on (1) the allegations in the Press against the President and (2) on the alleged propaganda by the Home Department against him. He said:

"Sir, I beg permission to draw your attention and the attention of the House to a series of gross violations of the privileges of this House which have taken place during the last few

days. Statements and comments have appeared in the Press which constitute very serious charges against you, Sir, as President of this House and thereby against the honour of the whole House. The first of these charges was made in the *Times of India* in its issue of the 8th of September, and that is, as far as I can see, the beginning of this campaign of vilification. It is stated at page 9 of the issue of the 8th of September:

'The Home member this afternoon made his promised statement in reply to that by the President yesterday in regard to the institution of a separate Assembly Secretariat. A good deal of publicity has been done in preparation for this discussion in order, apparently, to prejudice the Government position. Your correspondent makes no suggestion that this publicity was inspired by anybody.'

I wish the House particularly to notice these last words — 'When the subject began to fill the air sometime ago he asked in a proper official quarter whether any information could be vouchsafed about it and was given, *as a courtesy to the Assembly President*, a polite but decided answer in the negative.

Now, Sir, it is a very common device adopted by journalists of a particular class to make a definite suggestion and say that no suggestion is meant. I submit that this denial of any suggestion: 'Your correspondent makes no suggestion that this publicity was inspired by anybody' will strike any reader as a suggestion that publicity was done in favour of your scheme by yourself. Read the whole passage and examine it in the context in which it appears.

Then, Sir, we find another statement in the same issue and on the same page. It runs thus:

'The President then, without mentioning the Government's plea of urgency or referring to what the Law Member had said, ruled that, as copies of the Bill had not been made available for three days, the matter should stand over.'

Here, Sir, is a clear charge of partiality against the Chair and it consists of an utter falsehood, namely, that you did not refer to what the Law Member had said on the motion in question. The House will remember that the motion was a point of

order taken by me that it was *ultra vires* of this House to take up the consideration of the Bill called the 'Public Safety Bill.' Then, there is a suggestion that you purposely did not refer to the answer by the Hon'ble the Home Member to your question about the urgency of the measure. Now, the House will remember that, after I had made my motion and after some speeches were made by the Hon'ble the Home Member and others, the Chair was pleased to ask the Law Member who was present to help the House with his advice. The Hon'ble the Law Member relied upon the previous publication of this Bill in the Gazette and said that Order 38 upon which I relied did not apply. Immediately after that or in the course of the debate — I cannot say as to the exact point of the time — the Chair was also pleased to ask the Home Member whether there was any urgency in the matter. As far as I can remember — and here I speak subject to correction — the answer was that the Government considered it to be a matter of great urgency. No special facts constituting the urgency were brought to the notice of the House, but what was stated was that in the opinion of the Government it was a matter of the greatest urgency. I shall draw the attention of the House now to your ruling, so that the House can see whether there is any foundation for the statements made which I have just read out. Your ruling is not a long one, Sir, and with your permission I shall read it:

'It is a very difficult question as the Law Member has already pointed out. I think all difficulties will be solved if I were to postpone a decision on this question. That will mean that the consideration stage would go to the next day and no difficulty would arise. But I do not propose to take that course. I take the responsibility of giving my own ruling, as I understand it. There is absolutely no doubt that this motion cannot be made unless copies of the Bill had been made available to the Hon'ble members three days before today. The question is whether in this case copies of the Bill have been made available to Hon'ble members three days before today. I am clearly of opinion that publication of the Bill in the Government Gazette cannot dispense with the obligation which is laid by the Standing Orders on the file to make copies available to Hon'ble members.'

I put it to the House whether this is not disposing completely of the argument of the Hon'ble the Law Member. The ruling continues:

'That expression has a special meaning attached to it by the Standing Orders, and in the absence of any direction by my predecessor as to the manner in which the Bill is to be deposited, and the places in which it is to be deposited, I am afraid I must hold that copies of the Bill have not been made available to Hon'ble members three days before today. I therefore rule that this motion cannot be made today, unless the Standing Orders are suspended. *As no request has been made in this behalf, it is unnecessary for the Chair to consider that point.*'

Now, Sir, it is very true that you did not refer to the answer of the Hon'ble the Home Member to your question about urgency. As will be apparent to the House that question and that answer, if they were relevant at all, were relevant to the question of suspension of the Standing Orders. You disposed of that, Sir, by saying that there was no request before you and therefore you could not go into the question. I therefore submit that it is a malicious suggestion to say that you purposely omitted any reference to the answer of the Hon'ble the Home Member. That is number one.

Then we find it reported in the *Indian Daily Mail* of the 10th of September, published in Bombay, which publishes a *Free Press* telegram stating the message the Simla Correspondent of the London *Daily Telegraph* sent to that paper. It says:

'The Simla correspondent of the *Daily Telegraph* sends a lengthy report in the course of which he says:

"What follows is a quotation—

'Pandit Motilal Nehru's scheme to outwit Government (by postponing the anti-Communist Bill) succeeded, *thanks to the responsive President of the Assembly.*'

The meaning there, the insinuation there, is quite clear —

'... President Patel.' "It goes on, (again a quotation) — '*quite conveniently* refrained from giving Mr. Crerar an opportunity to make an application for the suspension of Standing Orders. ...'

This is a direct and definite charge. Again,

'The decision given by Mr. Patel is regarded as illogical, to say the least, and it is strongly suggested. ...'

I would call your attention to these words —

'... and it is strongly suggested *that it was due to pressure brought to bear on behalf of party interests.*'

(Cries of 'Shame' from Congress Party benches). There cannot be a more scandalous libel on the President than this..

Mr. President: What paper is it?

Pandit Motilal Nehru: This is a quotation from the message sent by the Simla correspondent of the *Daily Telegraph* of London, and I am reading from the *Indian Daily Mail* of the 10th of September, 1928. Then it goes on:

'It is abundantly clear that the Department' (with reference to the Assembly Secretariat) 'cannot be separated from the Government and placed under the control of a body *which from political motives misinterprets rules and regulations warping them to suit party purposes.*'

'This, I submit, Sir, is most malicious:

'He also says' — 'This is the indirect report of *Free Press*; it is not in inverted commas. 'He also says that it is considered that the misuse of powers entrusted to alleged responsible men which is manifested today is a warning of the grave responsibilities involved in increasing the facilities for the Assembly in the matter of management and control.'

Now, Sir, I do not know who this Simla correspondent of the *Daily Telegraph* is, but if he is what he describes himself to be, he should be in the Press Gallery and subordinate to your jurisdiction.

Then we come to some very serious disclosures made in the *Pioneer* received yesterday. Here we have the correspondent of the *Pioneer* directly attributing certain conduct and certain statements to the members of the Government, to the Government as a whole and to some individual members of the Government, not named of course. It is stated here:

'No one would mind the intensity of the combat if it were being fought cleanly, but your correspondent is reluctantly forced to call to your attention certain features and tactics which must be denounced. There can be no doubt that a definite move in

the Government game is the discrediting of the authority of the Chair. Ever since the Commander-in-Chief episode at Delhi earlier in the year, Mr. Patel has been on the Government black list.' (Laughter).

It is no matter for laughter: it is a very serious matter.

'Long suspect, he is now openly accused in the Government lobbies by officials of being partial. *'It is a put up job'*, was the comment of one official member on Pandit Motilal Nehru's point of order on the Public Safety Bill. 'Patel is dead against us' ''.

The words 'it is a put up job', a remark attributed to one official member on my point of order and the words 'Patel is dead against us' are in inverted commas.

Then it goes on:

'Nor does the antagonism to the Chair end there. The Simla correspondent of a Government spoon-fed newspaper definitely accused the President of the Assembly. ...'

Mr. President: What newspaper?

Pandit Motilal Nehru: "The Simla correspondent of a Government spoon-fed newspaper definitely accused the President of the Assembly the other day of doing publicity work ..."

This is the "*Times of India*" —

'for his scheme of attaching the Legislative staff to the Chair and wilfully misreported the decision of Mr. Patel on the question of the proper publication of the anti-Bolshevist Bill.'

This remark, I can say, is perfectly correct. There certainly was a misrepresentation of your decision. The comment goes on:

'More serious and more derogatory to the dignity of the Chair are the telegrams which are being sent to a London newspaper by a Press correspondent in close touch with the Government....'

This is important — 'the Simla correspondent of the *Daily Telegraph* is 'in close touch with the Government.'

'In these, Mr. Patel is being definitely accused of partiality and bias. Now, if there were any foundation for suspicion as to Mr. Patel's conduct in the Chair, the proper place to raise the matter would be on the floor of the House. This the Govern-

ment dare not do, because they have no case. Their present underhand action is caused by their chagrin at not being able to have things all their own way and is an attempt to cover up the Parliamentary inefficiency of their Front Bench. It is difficult to believe. ...'

Now comes the very important message —

'It is difficult to believe that responsible Government spokesmen are actively concerned in this nauseating propaganda. ...'

(Cries of 'Shame').

Now come the important words —

'but your correspondent has definite evidence which goes far to incriminate the Home Department.'

That is all I need read, Sir. Here are definite charges, made by the special correspondent, as he calls himself, of the *Pioneer*, both against the Government as a whole and some official members who are not named here. It is suggested, Sir, that you put me up to raise that point of order, that it was a put up matter between you and me and that it was prearranged that my point of order would be allowed. That is the suggestion made. Now, I want to explain to the House my part in the raising of this point of order. It struck me late on Saturday night. I consulted nobody, and I felt that it was a point which needed looking into for which I had no books at all. The next day was a Sunday and the library would not be available to me. Well, it struck me that I might with propriety ask the President to help me in this matter and I 'phoned to Mr. Patel if he could kindly oblige me by getting me some books that I wanted on a Sunday; he replied he could. The next day I sent through my typist a list of the books I wanted, and a couple of hours later I found those books in my room. A *chaprasi* of Mr. Patel brought them. I do not know where they came from, but of course, they were Government books, and came from some Government library. Then I studied the point. I made my notes. But I was undecided up to the very last moment whether I should take the point or not. On Monday morning, when I attended at question time, I went over to my Hon'ble friend Lala Lajpat Rai. I consulted him whether it was a point that I could properly take.

The aspect which I put before him was this, that my point was based on the inherent rights of Englishmen and the liberties of Englishmen and whether it would look proper for me, an Indian, to champion the cause of Englishmen in this House. Lala Lajpat Rai gave me the advice that it was a point which should be taken and that it did not matter whether it was the championing of the liberties of Englishmen or any other class of people. It was then and not until then that I made up my mind to take that point. I believe my Hon'ble friend, Mr. Birla, was also present at this conversation between me and Lala Lajpat Rai. So that you will see that it is a most pernicious thing to say that this was a pre-arranged thing, when the mover, namely, myself, was not certain up to the very last moment if he should take the point of order or not. Then I can say, and I say this most emphatically before this House, that I never had and do not have up to this moment the faintest inkling as to what your ruling is going to be upon that point of order. This charge then against you and me, and I will say, against the whole House, is a most scandalous libel and the grossest violation of the privileges of this House and must be dealt with severely. Now, Sir, I do not know what you will do, but I submit that if an enquiry is necessary you will be pleased to hold that enquiry about these allegations against Government as pointed out by the *Pioneer*. As regards the telegram to the *Daily Telegraph* which was cabled out here, and also the remark of the *Times of India*, I submit that you have ample jurisdiction to deal with them on the spot; but, of course, I will take your ruling whatever it is. I do not wish to take up any more time of the House. My business was simply to draw the attention of the House to these gross abuses of privileges and I leave the matter entirely in the hands of the House and of the Chair."

Mr. President: "Before the subject matter raised by the Hon'ble the Leader of the Opposition is further discussed, I should like to clear the atmosphere by making a few observations. There are, as I understand, four points involved in the statement made by the Hon'ble the Leader of the Opposition and the report of the Special correspondent of the *Pioneer*. My attention was first drawn yesterday by the Leader of the Opposi-

tion to that report. I asked him to give me a copy of the *Pioneer* which he did in the afternoon and I carefully read it.

As I have said, four points arise. One is the conduct of the correspondent of the *Times of India*; the second is the conduct of the Simla correspondent of the London *Daily Telegraph*; the third is that Government and particularly the Home Department are engaged in what this paper describes as a 'nauseating propaganda' to discredit the Chair; and the fourth is that some individual officers of Government, at any rate, are busily engaged in such propaganda. These are the four points involved. I should like further to explain what I know with reference to the request made by the Hon'ble the Leader of the Opposition for books in connection with the point of order which he had raised the other day. On Saturday night, when I was about to retire, I was 'phoned up by the Leader of the Opposition and asked whether I could help him to get some books which he wanted the next day, namely, Sunday. I at once replied: 'Would you kindly send me a list of books tomorrow, and I would try.' Next morning I got the list from him and put it on my table without even looking into it. I then 'phoned up Mr. Dhurandhar, the new Secretary of the Assembly, and asked him whether he would be good enough to find out the librarian and send him on to me. He said he would do it. After an hour the librarian appeared and I asked my *chaprassi* to hand over the list which was lying on my table to the librarian and told the librarian to get the books which were required. I was then about to go out for a walk. I left word with my *chaprassi* that if the books came they should be immediately sent over to Pandit Motilal Nehru in room No. 158, Cecil Hotel. When I came back, my *chaprasi* gave me the news that the books had been brought and were duly handed over to the Hon'ble Pandit. *It was brought to my notice next evening that one official member was openly saying that he could not possibly believe, that he did not believe and that he refused to believe, that I was taken by surprise by the point of order raised by Pandit Motilal Nehru, and the reason he gave was that I had sent for books from the library and I could not possibly be unaware of the point of order that was raised by Pandit Motilal Nehru. After this was brought to my*

notice, I asked the new Secretary of the Assembly as soon as I met him next morning as usual in my office: 'What is the meaning of all this? I 'phoned you up. I asked you to send me the librarian, and how is it that Government were put in possession of that information.' He immediately told me that he was in a certain room in a particular office yesterday, i.e., Monday, and there the librarian was sent for *by one Hon'ble member* and asked whether I had sent for certain books from the library on Sunday. He further said that he himself was asked whether I had sent for certain books. *I wondered whether I was really the President of the Assembly or was I a suspect and criminal that my movements were being watched in this way?* (Some Hon'ble members on the Congress benches: 'Shame'). Order, order. *I do not wish to mention the name of the Hon'ble member* nor do I wish to go further into this matter. (An Hon'ble member: 'The House demands it') I now ask the House to confine their discussion to the four points which have been raised by the report of the *Pioneer* and by Pandit Motilal Nehru. There is one matter which I should like to know before we proceed further. I would ask the Secretary to tell the House who the Simla correspondent of the London *Daily Telegraph* is, whether he enjoys the privilege of a seat in the Press Gallery and when was the ticket issued, and by whom.

Secretary of the Assembly: I find from the correspondence that has been received in the office (Hon'ble members: 'Louder please. We cannot hear you') that the Simla correspondent of the *Daily Telegraph* and the *Morning Post* is one Mr. Rice.

The Hon'ble Mr. J. Crerar (Home Member): Mr. President, in spite of the somewhat elaborate speech which was made by the Hon'ble Pandit, I confess that I have some difficulty in appreciating what the precise proposition is which he has laid before the House. I understand, however, broadly that he wishes to raise in a general way the question of a series of comments, which he largely quoted, dealing with the rulings and the actions of the Chair. He quoted those statements at some length and I presume that he expects me to make some reply as regards them. Now, so far as matters relating to the Press are concerned, two points appear to arise. The Hon'ble

member made a reference to admission to the Press Gallery. As regards the particular point of admission to or exclusion from the Press Gallery and the grounds on which action in that connection ought to be taken, that is a matter entirely within your discretion and *I have no observations to make with regard to it.* As regards the general question of comment and criticism in the Press, that may very well be a matter for the consideration of the House, but *it is not one for which I, either personally or on behalf of the Government, can assume a responsibility to reply, to criticise, to approve, to disapprove, to associate myself or dissociate myself.* In spite of what has been frequently urged in this House, *the Press of this country is a free Press* and any comment contained in that Press, so long as it is within the limits of the law, is not a matter with which Government or any individual member of Government can concern himself. Apart from that, the Hon'ble member referred to conversations which I understand are reported to have taken place in the lobby or somewhere in the precincts of this House. Now, on that point, my answer is short and straight. I am prepared to accept responsibility to this House for anything I may say upon the floor of this House. Any other member of Government or any other Government official is prepared to answer for anything which he says on the floor of this House. But *neither I nor any other official member can be prepared to answer for conversation reported to have taken place or gossip alleged to have transpired in the lobbies or in the precincts of this House.*

Mr. President: Is it the view of the Hon'ble member that official members are entitled to impute partiality to the Chair in the lobbies?

The Hon'ble Mr. J. Crerar: On the question whether they are entitled to do so, I am strongly of opinion that they are not. My contention is that if conversations of that character take place in the lobby, that is not a matter for which I am reasonably, properly or even decently be expected to accept responsibility.

Now, Sir, I pass on to the particular point referred to by the Hon'ble Pandit, that is to say, the allegations contained in a newspaper that Government was concerned in this alleged propaganda. A communication has already (been) issued to the Press

on that point and I repeat here on the floor of the House that the suggestion — it is more than suggestion, it was an assertion — that Government or any official members here present had any participation in the alleged propaganda, is false *ab initio* and *in toto*. As regards the wider matter of controversy, since I understand that my opinion is required I shall merely say this. It is impossible, Mr. President, for any one in a high public position — a position so high, so responsible and so important as your own — to secure that in the exercise of his powers no complaint should ever be made against his decision or that no one should ever be aggrieved. That is, no doubt, particularly true of the President of a Legislature to whom it necessarily falls to deal frequently with matters of very acute controversy. The Government of India cannot profess to be unaware that such complaints have found expression. But for their own part they have never allowed anything of that nature to influence their respect for the Chair and their desire to join in upholding its dignity and authority. I myself, Mr. President, am extremely sensible of the necessity, in the interests of this House and of the public, of relations of mutual confidence and collaboration between the Chair and the leader of the House and it is my desire and intention to do all that in me lies to maintain and confirm them.

Mr. President: May I know one thing from the Hon'ble the Leader of the House? Is the Leader of the House, on behalf of the Government, prepared to take action against the official member or members who, if the report is true, are carrying on this propaganda described now.

The Hon'ble Mr. J. C. Crerar: I am *prepared to consider that matter* when definite and reliable material is placed before me.

Several members participated in the debate, among others, K. C. Roy, Lajpat Rai, Maulvi Muhammad Yakub, Jamnadas Mehta, H. G. Cocke, Purushottamdas Thakurdas, Abdul Qaiyum, Muhammad Yamin Khan, Colonel Crawford, and Ranga Iyer. Graham gave a personal explanation of the charge of spying on the President that was made against him (without his name being mentioned) by Vithalbhai and Lalaji. K. C. Roy pointedly referred to Lord Winterton's description, in the House of Com-

mons, of Indian Pressmen 'as gutter snipes of the Press', and said that he would tell Lord Winterton where to look for them. Lalaji said that he had reason to believe that the campaign of vilification against the President had not been going on 'without some support on the part of officials.' He submitted that 'the conduct of that official who conducted that espionage was simply disgraceful', and added that the House would be perfectly justified in asking the Government to find out who that official was, and to punish him for that disgraceful conduct. Graham sought permission for giving a personal explanation, for though his name was not mentioned, he thought that it was obvious to everybody in the House that he was the person meant. His explanation was that Dhurandhar had told him (because the books asked for might not have been in the Assembly library, but might have been in the library of the Legislative Department, over which Graham had control and not Dhurandhar) that the President had asked him to send the librarian to him, and then he sent for the librarian himself, because he was naturally curious to know what books were issued, as that could indicate to him the nature of the point of order that might be raised. He hoped that the President would not consider that conduct reprehensible in anyway. Jamnadas informed the House how he had happened to meet two European members of the House who told him that they refused to believe that the President was taken by surprise when the point of order was raised. Cocke and Crawford offered some lame explanations on behalf of the Government, but expressed their strong disapproval of the attempt to bring the dignity of the Chair into contempt and to criticise publicly his rulings as being partial. Referring to Graham's explanation about the books, Purushottamdas said that if Graham wanted any information, his proper course was to see the President himself and not to find it out either from the librarian or from the Secretary of the Assembly. Abdul Qaiyum said that the members of the House were unanimous on the point that the President commanded their confidence and respect, and that the dignity of the Chair was the one wish they had in their mind to maintain. Ranga Iyer said that when there was this simultaneous publication in India and England trying to discredit the

first non-official Chairman of the Assembly, it was part of 'a deliberate, mischievous, racial campaign.'

Vithalbhai noted that the general desire on the part of the House was to condemn the two correspondents referred to in the debate, but would not give his decision on the spot on the questions raised. He then informed the House that he had written to the editor of the *Pioneer* the letter quoted below:

"Dear Mr. Wilson,

My attention has been drawn to the report published in to-day's *Pioneer* from a special correspondent, Simla, September 11th. I shall be grateful if you will kindly let me know on what materials the following statements in that report are based:

- '1. 'Long suspect, he is now openly accused in the Government lobbies by officials of being partial. 'It's a put up job', was the comment of one official member of the Public Safety Bill. 'Patel is dead against us.'
- on Pandit Motilal Nehru's point of order on the Punjab Bill.
2. 'That the Press correspondent of a London newspaper is in close touch with the Government.'
3. 'Your correspondent has definite evidence which goes far to incriminate the Home Department.'

Will you also let me have the name of the official referred to in statement No. 1 above."

And that he had received the following reply:

"Dear Mr. Patel,

I am in receipt of your letter of September 13th with reference to the message published in the *Pioneer* from a Special Political Correspondent, and dated, Simla, September 11th. I very much regret that in accordance with long established journalistic practice it is impossible for me to answer your questions, or to supply you with the information you desire. I am sure you will realise that journalism, and especially, political journalism, would become impossible if the sources of information were to be divulged, even in a case of such seriousness as the present one. I can assure you, however, that despite the ridiculous published denial of the Government of India on the subject,

V I T H A L B H A I P A T E L

there exists a full and ample basis for the statements made in the issue of the *Pioneer* you mention, and that the message was carefully written with a proper sense of responsibility. The actuating motives were to protest against a reprehensible use of Parliamentary journalism, to draw attention to the prejudiced attitude of members of the House, who are also Government officials, and to conserve the dignity which you, Sir, should enjoy as President of the Assembly.

I am sure that if proper and searching enquiries are instituted, it will be found an easy matter to substantiate the *Pioneer's* statement. I regret that I am unable to depart from responsible journalistic custom."

Having read both these letters, Vithalbhai proceeded to say:

"I appreciate the difficulty of the Editor of the *Pioneer*, but I think he would supply me with full information confidentially on points on which he says he has got definite evidence, and I propose to ask him to do so. What use I should make of the information I cannot say at present. I think under the circumstances, I should not give my decision today. Will you therefore allow me to defer the decision to some day next week on all these points?"

The Assembly then adjourned for lunch.

On the 22nd of September, 1928, Crerar made the following further statement on the matter:

"Mr. President, I should like, with your permission, to make a further statement on a matter which recently occupied the attention of this House and which has since continued to be of the deepest concern to Government and the whole House. The discussion which took place on Friday, the 14th, on the question raised by the Hon'ble the Leader of the Opposition regarding comments made in the Press or elsewhere about the President of the Assembly has not, by common consent, resulted in clearing up a situation which we all deplore.

In what I have to say, my earnest desire *and the desire of the Government* is to do what they can to place the relations between the Chair, the House and the Government on the basis of mutual confidence and understanding which all agree should

subsist; and with this object I find it my duty *to restate the position of Government* in the matter and (of) myself as Leader of the House. The Government is not less jealous of the dignity of the Chair than any other section of the House, and regard themselves, along with all other Hon'ble members, as bound to protect the Chair in the discharge of the duties imposed upon it. (Applause). Government have never had any reason on any occasion to question the strict impartiality of the rulings, that you, Sir, have given from time to time or of your conduct in the Chair *and they have asked me to express their full confidence in the Chair.* (Applause). It follows that we must deplore and condemn, in common with Hon'ble members sitting in all other parts of the House, all allegations and comments in the Press or elsewhere that may appear directly or indirectly to reflect adversely upon the impartiality of the Chair. It therefore also follows that in any action you, Sir, may think it right to take to vindicate the authority of the Chair in the matter of the reflections which were the subject of the recent discussion in the House or of any that may be made hereafter, you will have the full support of Government. I state this explicitly *to remove any misunderstanding that may have been caused by my previous statement on this subject.* I must frankly admit that, the question having been raised quite unexpectedly, *I spoke in less considered terms* than I would have wished and without due deliberation. I have now stated above *the considered view of Government* and *express my regret that my previous statement did not correctly convey it.*

The House has also had its attention drawn to allegations of a campaign, instigated by Government, against the Chair. I would ask the House to take it from me that there is no foundation for such a charge, which could hardly have been made except in an atmosphere clouded with suspicion. I have, also, been assured that certain official members of the House *have used expressions impugning the conduct of the President* and for this I, as Leader of the House, *express my full regret and theirs,* and would assure both the President and the House that, so far as Government can, *they will take steps to ensure that there will be no recurrence.*

On the question of the relations between Government and the President of the Assembly, I would only ask leave to say one thing more. If at any time — and I make the supposition only to avoid any possible ambiguity — circumstances had arisen in which Government had been unable to feel that confidence in the impartiality of the Chair which is necessary for the due discharge in this House of the functions both of the Chair and of Government, Government would at once have adopted the only possible and straightforward course of informing the President, and bringing the matter before this House.

I desire in conclusion to repeat and to emphasise that Government is, on all grounds, certainly not less concerned, and in some respects perhaps even more deeply concerned, than any other interest, in the prestige, dignity, and authority of the Chair. (Applause). I am grateful to you, Sir, for affording me this opportunity of making my own position and that of Government plain. It is the earnest desire of myself, as of those for whom I speak, that, whatever from time to time may be our political disagreements, we may all unite to invest this House with an honourable tradition in the conduct of its affairs, and see that by lending our assistance to the Chair, who is the natural guardian of all interests in the House, this tradition should be constantly maintained." (Applause.)

This statement was cordially received by every member of the House, and was followed by the following among other speeches:—

Pandit Motilal Nehru: Mr. President, I congratulate the Hon'ble the Home Member on the statement he has just made. It is conceived in a spirit of absolute fairness to all concerned. I take it to be a complete vindication of the honour and dignity of the Chair and of this House against unworthy attacks and reflections from whatever quarter such attacks and reflections have emanated. On behalf of this side of the House I fully associate myself with the Hon'ble the Home Member in his unqualified condemnation of the baseless aspersions cast upon the Chair and this House by the Press, for which we know the correspondents of the *Times of India*, the *Daily Telegraph* and the *Morning Post* are responsible. I have no doubt that you,

Sir, will take such action against them as you consider proper.

As regards the allegations made by the *Pioneer* against the Government, I am sure the Chair and this House will unhesitatingly accept, as I do, the assurance of the Hon'ble the Home Member that there is no foundation for the charge. I am equally sure that the House will welcome the further assurance that the Government is not less jealous of the dignity of the Chair than any other section of this House and I hope and trust that all sections of the House, whatever their differences may be on other points, will always combine to uphold that dignity to the best of their ability.

The frank expression of regret by the Hon'ble the Home Minister at the conduct of certain official members of the House who permitted themselves to impugn the strict impartiality of the Chair will, I have no doubt, be deeply appreciated by the House. The assurance given by the Hon'ble the Home Member and the good sense of the official members themselves will, I am confident, avoid a recurrence.

I hope, Sir, that after the statement made by the Hon'ble the Home Member today the misunderstanding caused by his previous statement will be removed and that you and the House will accept his regret for having made that statement. In these circumstances, so far as the Government and the official members of the House are concerned, the matter will, I trust, be treated as a closed chapter.

In conclusion I desire to convey to you, Sir, our abiding faith in the strict integrity and impartiality of the Chair. Your rulings have so often been against us as in our favour, but I can confidently assert that there is not one Hon'ble member on this side of the House who has ever doubted that they were prompted by anything other than strict fairness. It is indeed a matter of pride to us to find that in our first elected President of the House we have one who by common consent would do honour to the Speaker's Chair in any Legislature in the world.

Permit me, Sir, to convey to you the assurance of this side of the House that we have the fullest confidence in the Chair and that it will always be our duty and privilege to protect its honour and dignity. (Applause).

Lala Lajpat Rai: Sir, on behalf of myself and the party which I have the honour to represent in this House, I fully and unreservedly associate myself with the remarks made by the Leader of the Opposition. I repeat the congratulations which he has given to the Government and the Hon'ble the Home Member for his very full and frank statement. I may add that that statement is calculated to enhance the reputation and dignity of the Government and the Chair. I am fully confident that it will be received with great pleasure throughout the country and that it will conduce to good understanding between the parties that are represented in this House.

I also share, Sir, the assurance that has been given by the Hon'ble the Leader of the Opposition with regard to the confidence of this part of the House in the impartiality, integrity and ability of the Chair. I believe that this unfortunate incident having been closed so happily, we shall all in future be jealous of the reputation of this House, the reputation of the Chair, and also the reputation of the Government. (Applause). I think, Sir, the Government and the Hon'ble Member who have done this honourable thing deserve, thoroughly and heartily, to be congratulated. If we proceed in this manner, I am perfectly sure that in future the relations between the two parts of the House will be much more pleasant and much more agreeable than they have been in the past.

Purushottamdas Thakurdas, H. G. Cocke and Nawab Sir Zulfiqar Ali Khan followed in the same strain, and Vithalbhai wound up the affair, for the time being, with these words:

Mr. President: I should like to say a few words on this occasion, but I think you will allow me to consider the statement which I have just heard and the speeches made by the Hon'ble members. I propose to say what I have to say on Monday. In the meantime I cannot help congratulating the Hon'ble member (the Hon'ble the Home Member) and the Government he represents.

As promised, Vithalbhai made the following statement on Monday, the 24th of September:

"The House will at this stage permit me to take the statement which I promised when we met last. I frankly con-

fess that I was not prepared for the speeches that I heard on Saturday last from the Leaders of Parties and they came upon me as an agreeable surprise. I was indeed so touched by those speeches that for the moment I found myself unable to find words to express my thanks. (Applause). For this human weakness in your President I make a humble apology to the House. When I was hearing those speeches I was reminded of the scene on the 20th of January, 1927, on the occasion of my unanimous re-election to this Chair. I am sincerely grateful to the House, to every section and to every member thereof, for the generosity and large-heartedness in overlooking my many shortcomings and for once again expressing their unanimous confidence in me. I am conscious of my weakness and my failings, and I desire to assure you that I shall make every endeavour to justify to some extent the confidence you have been pleased to repose in me. I know that it is difficult for the President to appear impartial on all occasions and to all sections of the House. I have often roused feelings of resentment, of soreness, among members whose conduct I sometimes felt it my duty strongly to disapprove of and who were placed at times at a disadvantage in carrying out their Party engagements on account of my rulings. But it is a matter of sincere gratification to me to find that the feeling has been but brief and transient, and when those speeches were being delivered on Saturday last I was wondering within myself whether I had really impressed the House generally with a belief in the impartiality of my rulings and with a conviction that my one concern was to discharge my duties as guardian of the House and that I had not intentionally lent myself to be an instrument in the hands of official or non-official leaders in this House. I now come to the statement of the Hon'ble the Home Member. His previous statement adopting on behalf of the Government an attitude of complete detachment in regard to the attacks in the Press and elsewhere on the President of the Assembly had come as a painful surprise from one in his responsible position and was the subject of strong comment by several members. But the readiness with which on Saturday last he hastened to put matters right must raise the Hon'ble member in the estimation of every one who heard his statement. (Applause).

VITHALBHAI PATEL

I congratulate him and also the Government on whose behalf that statement was made. (Applause).

May I be allowed at this stage to say a word in reference to the attitude of certain official members which has recently been the subject-matter of a good deal of comment? In the heat of party feeling when men's passions are aroused, I can understand words escaping Hon'ble gentlemen, or their doing something which, in their cooler moments, they themselves would regret. I take it that the words of the Hon'ble members referred to in the statement of the Leader of the House were not premeditated or deliberate. I desire to assure Hon'ble members that it has been, and will be, my constant endeavour in this Chair to allay feelings of party bitterness as much as I can and to prevent undue excitement and passion in this House. (Applause). I shall say no more on this occasion, because it is my earnest wish to eradicate all personal feeling that has unfortunately found its way recently into this Chamber. I will only add that I shall always be content to leave my conduct in the Chair to the judgment of this House and of every fair, impartial and honourable man outside it. With that end in view, *I accept without any reservation the unqualified expression of regret*, made by the Leader of the House on behalf of himself and the officials concerned in the same generous spirit in which it has been made (applause), and I appeal to every member of this House to forget the incidents which have been responsible for the atmosphere of distrust and suspicion calculated to lower the dignity and prestige of this House, which must be the primary concern of every Hon'ble member. In these circumstances and in accordance with the general wish of the House expressed in no uncertain terms on Saturday last, I propose to say nothing more.

This statement thus disposes of that part of the case in which I promised to make an enquiry and give my conclusions, leaving the other part regarding the conduct of the two Press correspondents untouched.

I once again thank the Hon'ble members for their confidence in me." (Applause).

On the 25th of September, Vithalbhai made two statements in the Assembly — one on his visits to Provincial Councils, and

the other on the allegations of partiality made against him in certain newspapers. In the first of them, he referred to the large number of interpellations from several members of the House, questioning the propriety of certain criticisms against him in connection with his visits to some of the Provincial Councils. He referred therein also to the notice he had received of a motion asking the House to place on record its severest condemnation of those attacks. He said that though he had expressed the view that it was the inherent right of the Assembly to condemn by a specific motion any attack made against itself or its President, he was clearly of the opinion that such a procedure should not be resorted to except in very exceptional circumstances, and that, *in the light of what has happened since these notices*, he would appeal to the House not to pursue the matter any further. Referring to these notices and interpellations, he further said that, to require the Chair to answer questions and enter into a controversy was wholly incompatible with the decorum of the proceedings of the House and derogatory to the dignity of the Chair, and that, therefore, such a procedure must be discouraged and deprecated.

He then recounted briefly the actual events in connection with, and the exact position in regard to, the visits of the President of the Assembly to the Provincial Councils, told the House why that practice came into being and why it had continued, and how it served real public interest. In his opinion, he said, the present practice ought to be welcomed by all who were anxious to see that Parliamentary institutions developed in the country on right lines. In conclusion he referred to his visit to Europe, and added that, with the knowledge he thereby acquired, he was enabled, more clearly than before, to appreciate and discuss the difficulties felt and experienced in the Provincial Legislatures during his visits to them.

The other statement he made on that day, and immediately after the first statement was made, was in regard to the allegations made against him of partiality, etc., in certain newspapers. That statement was as under:

"At a meeting of the 14th of September, Pandit Motilal Nehru, the Leader of the Opposition, had drawn my attention

to certain criticisms against the President of the Assembly contained in the report of the correspondent of the *Times of India* in its issue of the 8th of September, and also in the message of the Simla correspondent of the *Daily Telegraph* published in that paper and telegraphed to this country by the *Free Press* and reported in the *Indian Daily Mail* of the 10th of September. It was contended by the Leader of the Opposition that criticisms in the report of the *Times of India* correspondent contained a suggestion that the President of this Assembly had done a good deal of publicity in the preparation for the discussion of the question of the institution of a separate Assembly Secretariat, and with a view to prejudice (prejudicing) the Government position. They also contained a charge of partiality against the President in giving his ruling against the Government in connection with the Public Safety Bill on (the) 6th of September, 1928.

I have carefully examined these criticisms, and I am satisfied that the contention of the Leader of the Opposition is substantially correct. The writer has cleverly avoided making a direct suggestion or charge, but (has) failed in his attempt to conceal his real motive. Such veiled insinuations and suggestions are, in my opinion, more reprehensible than direct charges.

The message of the Simla Correspondent of the *London Daily Telegraph* speaks for itself and needs no comment. It contains a direct charge of partiality against the President, and the writer has made no attempt to conceal his intentions. During the debate, no member had a word to say in justification or defence of these criticisms, and the fresh statement made by the Home Member on the 22nd September (has) left no room for doubt that the whole House strongly disapproved and condemned those criticisms and assured the President that he will have its support in any action that he might think fit to take against the correspondent concerned.

Speaking for myself, (I) am always unwilling to take any disciplinary measure against the Pressmen and, therefore, have delayed passing any orders in this case so long, in the hope that the correspondents concerned might see their way to tender to the Chair and to the House their unqualified apology. Not only no apology came, but one of the correspondents added insult

to injury by writing to me that his comments were based on the remarks made by members of several parties in the House, as if that was any justification for the comments he made, even if true. I fully appreciate and recognise the general support I have received from the Press in India in the discharge of my difficult duties, and if I take any action in this case it is because I am driven to it by the correspondents themselves. I wish they had taken note of the universal condemnation in the House of their conduct and had made amends.

In these circumstances I hereby direct that with effect from the date of the adjournment of the House *sine die* the Press passes granted to Messrs. Byrt and Rice shall stand cancelled, and no notice papers, Bills, etc., shall be sent to them until further directions from the President. I would add that the correspondents concerned or their papers are eligible to renew their applications and they would be considered by the President if in the meanwhile a full, frank and unqualified apology to the Chair and the House is forthcoming in terms approved by the President and published in such newspapers and in such manner as he might approve."

The Assembly then adjourned *sine die*.

On the 21st of January, 1929, the proprietors of the *Times of India* and the *Times* correspondent sent in their apologies, and Vithalbhai referred to them as under, on the 28th of January, 1929:

Mr. President: Before I adjourn the House, I should like to make reference to one matter. Hon'ble members will recollect the circumstances in which the Leader of the Opposition brought to the notice of this House the conduct of two journalists in the Press Gallery during the last Session. The charges against them were that they had made criticisms and remarks reflecting on the conduct of the Assembly and impartiality of the Chair.

After full discussion, the House unanimously left me to deal with the offenders, and I cancelled the Press passes of Mr. Rice, of the *London Daily Telegraph* and of Mr. Byrt, of the *Times of India*. In doing so, I made it clear that neither of these journalists would be permitted to re-enter the Press Gallery until they

and their respective newspapers had apologised in fitting terms for their conduct, and such apologies had received adequate publication in the Press.

I have now received an apology from Mr. Byrt, correspondent of the *Times of India*, as also an apology from the proprietors of the *Times of India*, and I propose to read them to the House:

*APOLOGY FROM THE PROPRIETORS OF THE
TIMES OF INDIA:*

Times of India,
Bombay.

21st January, 1929.

To The Hon'ble Mr. V. J. Patel,

President of the Indian Legislative Assembly.

Sir,

In the record of the proceedings of the Indian Legislative Assembly on 14th of September last, there is a report of a discussion during which a certain Despatch appearing in the *Times of India* of (the) 8th of September was arraigned.

The passages quoted from the Despatch under reference were as follow:

I. (In reference to the establishment of a Separate Assembly Secretariat):

The Home Member this afternoon made his promised statement in reply to that by the President yesterday in regard to the institution of a separate Assembly Secretariat. A good deal of publicity has been done in preparation for this discussion, in order, apparently to prejudice the Government position. Your correspondent makes no suggestion that this publicity was inspired by anybody. When the subject began to fill the air some time ago he asked in a proper official quarter whether any information could be given about it and was given, as a courtesy to the President, a polite but decided answer in the negative.

II. (On the point of order raised when Government first desired to move for consideration of the Public Safety Bill):

The President then, without mentioning the Government's

plea of urgency or referring to what the Law Member had said, ruled that as copies of the Bill had not been made available for three days the matter should stand over.

These passages have been interpreted as an insinuation of partiality against yourself as President of the Indian Legislative Assembly. May we assure you and the House without qualification, fully and frankly, that no insinuation of partiality was intended; and that anything in the Despatch in question which may seem to impute partiality is *withdrawn without qualification*; and we offer to yourself and the House our apologies for the appearance in our columns of anything which was open to such construction.

We have the honour to be,
Sir,
Yours faithfully,
(Sd) Bennett Coleman & Co.

APOLOGY FROM MR. BYRT:

The *Times of India*,
Swiss Hotel,
Delhi, 21st January, 1929.

To

The Hon'ble Mr. V. J. Patel,
President of the Indian Legislative Assembly.

Sir,

In the record of the proceedings of the Indian Legislative Assembly, dated 14th of September last, there is a report of a discussion during which a certain despatch of mine, which appeared in the *Times of India* of (the) 8th of September, was arraigned.

The passage quoted from the Despatch under reference were as follows:

I. (In reference to the establishment of a separate Assembly Secretariat):

The Home Member this afternoon made his promised statement in reply to that by the President yesterday in regard to the

institution of a Separate Assembly Secretariat. A good deal of publicity has been done in preparation for this discussion, in order, apparently, to prejudice the Government position. Your correspondent makes no suggestion that this publicity was inspired by anybody. When the subject began to fill the air some time ago he asked in a proper official quarter whether any information could be given about it and was given, as a courtesy to the President, a polite but decided answer in the negative.

II. (On the point of order raised when Government first desired to move for consideration of the Public Safety Bill):

The President then, without mentioning the Government's plea of urgency of referring to what the Law Member had said, ruled that, as copies of the Bill had not been made available for three days the matter should stand over.

These passages have been construed into allegations of partiality against yourself as President of the Indian Legislative Assembly.

I desire to assure you and the House, fully and frankly, that no allegation of partiality was intended; that I withdraw without qualification anything in the despatch in question which may seem to impute partiality; and that I offer you and the House my full and unqualified apology for anything in the despatch which was open to such construction.

I have the honour to be,

Sir,

Yours faithfully,

(Sd) A. H. Byrt.

It would, in my opinion, have been more courteous to the Assembly as well as to the Chair if these apologies had been tendered at an earlier date instead of their being put off to this late hour, for it is now some four months since I made it clear that apologies would have to be made. I have, however, decided to accept these belated expressions of regret as a sufficient fulfilment of the first condition laid down in my order.

The second condition to be carried out by Mr. Byrt and his paper was to see that these letters of apology received due publication in the Press. This condition should also have been ful-

filled along with the first, but having regard to the fact that an adequate apology has been made and will, in the ordinary course, find due publication, I have decided to excuse the omission. I, therefore, direct that the Secretary do issue the necessary Press pass to Mr. Byrt on his compliance with the prescribed formalities.

This matter thus received a quietus so far as the *Times of India* was concerned. Mr. Rice does not appear to have received the Press pass at any time and was not admitted to the Press Gallery.

Chapter Thirty-Eight

BARDOLI ONCE MORE

AMONG the Satyagrahas, towards the success of which both Vithalphai and Vallabhbhai contributed, must be included the Bardoli No-Tax Campaign of 1928, which was launched not as a part of the Civil Disobedience programme for Swaraj, but which definitely aimed at the removal of a specific agrarian grievance. Bardoli was to have one of the periodical resettlements of land revenue which came up every thirty years or so, the result of which, invariably, was to raise that revenue by about 25 per cent. The Bardoli people felt that no enhancement of revenue was justifiable, as whatever increase in produce they might have got this time was entirely due to the improvements they had themselves effected at great cost to themselves in money and labour. They did not contend against the taxes being raised, if it was found equitable that they should be raised. They only prayed that an impartial committee should be appointed to investigate into the condition of roads, labour, prices and such other matters with a view to ascertaining whether an enhancement of the revenue was justifiable and if so to what extent. The usual Government procedure had all along been arbitrary, secret and one-sided. Government never took the public into confidence when they made these inquiries. As a rule, they did not publish either the preliminary reports of the Settlement Officers to the Revenue Board, or the Board's recommendations to Government; and even when they published anything in this connection, they published it in English, and not in any of the regional languages of the province, with the result that the poor ryots hardly ever knew how things were manipulated. What the Government eventually did this time can be gathered from the following extract from the announcement issued by them to the occupants of land in the Bardoli Taluka and Valod Mahal in May 1928:

"The occupants of agricultural land in Bardoli taluka and Valod Mahal, with the assistance of persons who do not reside there, combined in February last to refuse to pay the revised assessment. The Settlement Officer had proposed an increase of 30 per cent. The Settlement Commissioner's recommendations involved an increase of 29 per cent. Government, after the most careful enquiry and the fullest consideration of all the objections raised both by the cultivators and certain members of the Legislative Council fixed the rates at 20 per cent. in excess of those paid during the 30 years' currency of the previous settlement. Until the middle of August last, the Revenue Officers confined their action to notices of demand and attempts at distraint. The latter were frustrated by organized evasion, the locking up of houses and threats, to the village Patels and *Vethyas*, of boycott and ex-communication. Government then reluctantly resorted to the forfeiture of land and organized attachment of buffaloes and movable property. Forty Pathans were obtained to assist the *Mamlatdar* and *Mahalkaris* in the work of attachment and the care of animals attached."

In the initial stages of this agitation, men like Bhimbhai Desai, Dadubhai Desai and Shivdasani made some noise and evinced their sympathy for the Bardoli peasants. They advised them to pay taxes, at the old rates and to protest against the proposed enhancement. Congressmen realised very soon, however that these were not the men who could stand the strain and stress of the struggle. They were sure that these men would leave the people in the lurch when the Government stiffened their attitude. Some of them, therefore, approached Vallabhbhai and asked him to come to the rescue of Bardoli and lead the movement against the iniquitous enhancement. Vallabhbhai was in no hurry. He felt that as some non-Congressmen had taken the initiative in the matter, it would not be desirable, at the moment, to speak with two voices. He was sure that they would quietly withdraw from the scene when the actual time came for offering resistance to the Government and that that would be the time for the Congress to enter the lists.

He was right: for when the Government began to show their teeth, these men, who had made so much noise in the

beginning, quietly disappeared, one after another, and the Bardoli peasants were left without a leader in the hour of their peril. They did not know how to meet the situation. Consultations went on apace among the local leaders. Young and old, all of them were determined to offer as stiff a fight to Government as possible, and take the consequences, but they knew that in the absence of a strong leader who could guide them on correct and proper lines, the enthusiasm of the peasants would fritter away. Once again there appeared on the scene, Kunverji Mehta, the tried Congress leader of Bardoli and the valiant soldier of freedom, to stand by them in their hour of trial.

This idol of Bardoli now gave the requisite message of hope and faith to the Bardoli peasants. He succeeded in persuading Vallabhbhai to lead the movement. Vallabhbhai knew the stuff of which Kunverji and his co-workers were made. He knew that they would be prepared for any sacrifice for the cause which they had taken up. It was, in fact, these workers of Bardoli who had given Vallabhbhai his hold over the whole of Gujarat. It was not possible, therefore, for Vallabhbhai to refuse a call of duty from these lieutenants of his. They were of the people, tried and experienced workers, and they had won the hearts of the masses by the sound and substantial service they had rendered to them. Vallabhbhai knew that the people would place implicit faith in them. Thus it was that just at the time when the people of Bardoli were getting restless and nervous for want of adequate leadership, they found Vallabhbhai on the scene. Their enthusiasm knew no bounds when they secured him at the helm of affairs. The great organisational powers of Vallabhbhai were at their best in this movement. He called upon the people to refuse to pay the taxes to Government unless Government came to its senses. He inspired them to stand the trials and tribulations consequent upon the torture and the persecutions to which Government were sure to subject them. Kunverji and his co-workers went from village to village spreading the message of Vallabhbhai. Vallabhbhai requisitioned the services of over 300 public workers of Gujarat to help the men on the spot, in organizing the movement. Local leaders from several villages came forward to assure the leaders of the move-

ment that they were prepared for the worst and that they would not flinch from their resolve in any circumstances.

The problem before the leaders was to pitch upon some *non-violent* activity, besides mere non-paying of taxes, such as would put spirit in the masses and make them feel that they were doing something. They had realised that a mere negative attitude tended to stagnate. They, therefore, called upon the people to resort to social boycott of those who oppressed them and those who would not fall in line with them. This was one of the methods pressed by Vithalbhair in the initial stages of the Non-co-operation Movement, a method once effectively practised by Parnell in Ireland, in fact the method which introduced the word 'boycott' itself into the English language. Unfortunately violence was smelt, at that time, in this idea, and Gandhiji had not given his consent to it. Now, however, the people of Bardoli, with the implicit consent of Vallabhbhai, took it up promptly, and began to refuse social service of any kind to anybody who did not fall in line with them. The grocers refused to sell their foodgrains to them, the barbers refused to shave them, the labourers refused to handle any of the articles confiscated by Government in lieu of the assessment levied; in fact, all such services as are needed for a tolerable social life were denied to Government officers and to all those who showed any inclination to go with Government against the wishes of the people. Men, women and children vied with one another in this boycott. Here was an unmistakable demonstration of how life could be completely paralysed, if a large number of people so willed it. In one of the villages, one of the leading merchants who was on friendly terms with the Government officers and whose assessment was much greater than that of the rest of the people in the village, suggested to the revenue officers that they should attach his property, and thus recover the assessment due from him, as he would himself not be able to resist the social pressure against him. When that was done, the people saw through the game. Everybody in the village resented this action of the leading man of the village, who was besides being a big merchant, also a money-lender and therefore difficult to deal with. The people conveyed to the Congress workers their determination to practise

social boycott on him. The Congress workers approached Vallabhbhai for advice and guidance. Vallabhbhai advised the Congress workers to keep themselves away from it, and allow the people of the village to decide the matter in the way they thought best in the interests of their honour and safety. Eventually, the people held a meeting and decided in the meeting that they should refuse social service of any kind to this gentleman. In view of the impossible situation thus created, the man realised the futility of his attitude, expressed regret for his unsocial conduct and pleaded for forgiveness. After a good deal of discussion, the leaders of his community decided to give him a chance, but strictly on the understanding that he paid a penalty for his action. This was agreed to, and the boycott against him was lifted when he paid, in furtherance of the movement, an amount equal to the amount which he had paid Government in lieu of his assessment.

This social boycott against the offenders was so complete and thorough, that it became almost impossible for the Government machinery to function. To combat the determination of the people, Government imported Pathans and started Pathan Raj in these villages. Repressive measures of all kinds were adopted by Government to coerce the people into submission, but they refused to flinch from their resolve and bravely stood the test of torture and persecution. When Government began to attach their property, cattle and agricultural stock, they locked their houses and went out in the open, where they stayed for days and days together, braving the vagaries of the inclement weather. Against the violent methods of Government, they resorted to this non-violent weapon of social boycott and made it impossible for Government servants to get even their most elementary requirements. Government authorities, for once, felt shaky and realised that they would not be able, for long, to stand the strain of the acute social boycott that was being practised against them by the villagers.

Negotiations were, therefore, started by responsible persons, presumably under instructions from higher quarters, for an honourable settlement of the issue that had engaged the Government and the people in this combat. The Congress leaders

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૩. માર્ચ

માનનીય વલ્લભભાઈ. હજુ બધું તો
ભાષણ છે નહિયા. ફરિયાદો, ચોંટાટો છે.
પણ તે હવે દૂર થઈ જાય છે. રાજીનામા
નો જોર બધું ટકુડ ટાકે. અને પછી
બધું ને તો તેમનાં મિત્રાઓ. કોઈ
દરદાર ના નહ. અને કોઈ બધું વડોદરા
જો પછી પછી જાય. અને ચોંટાટો
હાયરો. કોઈને તેમને કેવળ મિત્રા તરીકે
અને વિશ્વાસ તો નથી. આ બધું
જો. બહુમતી હવે મિત્રા તરીકે નહિ
કાંતે હોય. માનનીય મિત્રા.

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were determined not to budge an inch from their resolve and were prepared to fight the issue to a finish. It was proposed to them that they should advise the villagers to pay the tax, pending the settlement of the matter by an independent tribunal. It was further suggested to them that if the people agreed to pay the tax at the old rates with an addition of 20 per cent. only to it, the Government would be agreeable to refund the additional tax paid by them if the independent tribunal went against the Government. Congress leaders were not prepared to pay a pie more than the tax at the old rates, as they were convinced that Government were in no way justified in imposing any increase on the old assessment basis.

In order to resolve this deadlock, Ramchandra Bhat, a prominent landlord and businessman of Bombay, was persuaded by some influential parties to interest himself in this matter and take the prestige-ridden Government out of the rut. Ramchandra Bhat, hailed from *Mota*, a village in the Bardoli district. He had risen to a position by dint of merit. He was a member of Vithalbhai's Bombay Nationalist Municipal Party, a public-spirited citizen and a notable person disposed to be helpful in several public activities. He readily came forward with an offer to the Government that if the people of Bardoli refused to pay anything in addition to the taxes based on the old rates, he would be prepared, on their behalf, to deposit a sum equivalent to the proposed addition of 20 per cent. The Government were willing to accept the offer, but Vallabhbhai and other Congress leaders were not in a mood to think of entertaining such a compromise. It was common knowledge among persons who counted in public life, that it was Vithalbhai who had evolved this formula, in order to rescue the people and the Government, the two participants in the struggle, from a very difficult situation. Ramchandra Bhat was very intimately connected with Vithalbhai, as a member of the Bombay Municipal Corporation, and also as a member of the Swaraj Party. Not only was he very intimate with him, but he had full faith in his wisdom. It was therefore quite natural for him to respect the wishes of his leader. The offer of Ramchandra Bhat was calculated to serve the best interests of all concerned. Unfortunately in the beginning Vallabhbhai did not

know that Vithalbhai was behind this move of Ramachandra Bhat. Vallabhbhai thought that it was the Government which was playing some dodge against them and trying to belittle the strength of the movement through the agency of an intermediary. Vithalbhai's work behind the scene had often proved an enigma to some of his closest associates, and this was an instance of how silent, subtle and clever he was in playing his cards with friends and foes alike. Vithalbhai had contacted Sir Chunilal Mehta, then a member of the Executive Council, and Dewan Bahadur Harilal Desai, then the Education Minister of the Government of Bombay. Vithalbhai had impressed upon them the desirability of saving the agriculturists of Bardoli, and not making a fetish of prestige. In order to persuade the members of the Government, Vithalbhai visited Poona, discussed the matter thread-bare with them, and successfully convinced them of the soundness of his proposal. In order to meet the Congress view-point, he suggested that the Government should recognise the fact that the proposed enhancement was wrong in the light of information received subsequently and that they would be willing to leave the final decision of the matter into the hands of an independent tribunal. When these members of the Government pointed out to him that there was no sense in their discussing this matter, as his own brother was not prepared for any compromise, Vithalbhai asked them not to bother about his brother. He asked them, first to adopt the correct attitude themselves, as suggested by him, and leave the rest to him. Both Sir Chunilal and Harilal Desai implicitly followed Vithalbhai's advice and successfully persuaded the Government of Bombay to accept this suggestion. Vithalbhai, in turn, took up the thread with his brother and impressed upon him, the desirability of not pressing the matter any further. He assured him that the position of the Congress was in no way affected by the voluntary offer of a third party to pay the amount as deposit on behalf of the people of Bardoli, to which neither the Congress nor the people of Bardoli were committed. It was no business of the Congress to go behind the offer and to smell a rat in the *bona fides* of the transaction. It was then believed in certain quarters that Ramchandra Bhat had volunteered his services to Government for a consideration,

that he counted on securing a Knighthood for himself as a reward, and then these were considerations with which neither the Congress nor the people were in any way concerned. Vallabhbhai ultimately agreed to accept the advice of his brother and suspended the movement, pending the findings of the independent Tribunal.

It may be of some interest to note that this consummation, so devoutly to be wished, was not achieved by these manoeuvres only. Vithalbhai hardly ever depended on one string only to his bow. He had contributed Rs. 1,000 himself towards the Fund which Gandhiji had opened to help the sufferers of Bardoli, and had written to Gandhiji that he would continue to send the same amount from month to month, so long as the struggle lasted. He had also written to the Viceroy that he would resign his Presidentship of the Assembly and join the movement, if Government did not relent. All that was necessary, because with all the sympathy of Chunilal Mehta and Harilal Desai, Vithalbhai could not be sure of the Government of Bombay coming down to any compromise, for, in a speech delivered at Poona in the Bombay Legislative Council, the Governor of Bombay had solemnly declared that all the resources of the Empire would be used to crush the No-Tax Campaign of Bardoli. In his letter to the Viceroy, Vithalbhai had said that, since Bardoli belonged to his constituency, he had a primary obligation towards the Bardoli peasants and that he would be called upon, if things did not improve in the meantime, to resign his office in the Assembly and to join his constituents in their agitation. His letter to Gandhiji, which would incidentally give our readers an idea also of the kind of letter he addressed to the Viceroy, we take the liberty, here, of quoting in full:

Simla, May 31.

“My Dear Mahatmaji,

I have seen the public appeal for funds which you have made on behalf of the people of Bardoli Taluka which is part of my constituency. As a Gujarati myself and as a member of the Legislative Assembly representing Gujarat, I have been closely following the struggle that is going on in Bardoli. In my humble way and consistently with the obligations of the office

I hold, I have endeavoured to obtain a hearing on behalf of the Bardoli Satyagrahis.

NO INTERVENTION FROM SIMLA

If the subject matter of the grievance complained of were within the jurisdiction of the Government of India I could have, in accordance with a Convention recently established, claimed the personal intervention of His Excellency the Viceroy or the member of his Council concerned and asked him to look into the matter himself with sympathetic consideration. This convention was established for the first time last year when my constituency was the victim of unprecedented floods and on that occasion His Excellency the Viceroy at my request was pleased to visit the floodstricken areas and to extend his moral as well as material support to my people. The subject matter of the grievance in this case being entirely within the exclusive competence of the Government of Bombay, I am unable to rely upon that Convention.

"JUST CASE" FOR INQUIRY

My study of the struggle has convinced me that the Bardoli people have a just case for asking for an independent and impartial inquiry. I am also convinced that they have exhausted all the other constitutional methods open to them for the redress of their grievance. I have watched with admiration the courage, patience and suffering of the men and women of Bardoli, and I have also watched with equal pain and indignation some of the coercive measures that have been adopted by the Government to collect the assessment which is the bone of contention between the Government and the people of the Taluka.

I believe that the measures adopted have crossed, in several instances, the bounds of law, order and decency and the arrogant letter of the Commissioner of the Northern Division has painfully aggravated the situation. In these circumstances I feel that I cannot remain silent and inactive. I am sorry that I cannot at the present moment express my deep sympathy to

the people of the taluka and my strong disapproval of the coercive measures and of the letter of the Commissioner, N.D., more tangibly than by sending the accompanying small contribution of Rs. 1000 towards the fund which is now being raised on their behalf. I propose to continue to send the same amount from month to month so long as the struggle lasts.

ASSURANCE OF HELP

"I wish to give you this further assurance that at the very first opportunity I shall place myself in communication with those who have called me to the high office which I have the honour to occupy and which I regard as simply a trust on their behalf and, if I find that I can take any other more effective step to help the sufferers of Bardoli you will not find me lagging behind. With kind regards,

Yours sincerely,
(Sd) V. J. Patel."

Our readers have already noted in our Chapter on the Nagpur Satyagraha how the struggle ended to the satisfaction of all concerned.

Chapter Thirty-Nine

AUTHORITY OF THE CHAIR OVER THE ASSEMBLY PRECINCTS

THE Bomb outrage of the 8th of April 1929 in the Assembly Chamber, causing injuries to some members, created a serious problem for the President and also for the police. Vithalbhai, therefore, now applied his mind to the question of regulating the admission of visitors to the galleries of the Assembly in a manner that would not only minimise opportunities of mischief but would, at the same time, be consistent with the dignity of the House and the self-respect of its *bona fide* visitors, and would be in strict accordance with the practice followed by the House of Commons. As a result of the detailed inquiry he made and, after fully discussing the matter with the Police authorities and the officers of the Assembly Department, he arrived at certain provisional conclusions, which he embodied in a statement which he made in the Legislative Assembly on the 3rd of September 1929. The statement ran thus:

"I desire to make a statement on a question which has been engaging my attention since the Bomb outrage in the Delhi Chamber, on the 8th of April last. It has not been found possible to ascertain exactly how the perpetrators of the outrage got admission into the Visitors' Gallery on that particular day, though we have heard it stated that they did so without tickets and before the arrival of the police who check visitors' tickets at the entrance to the gallery. Whether this statement is true or not, the fact remains that some modification is called for in the system of check over admission of visitors and perhaps also in the issue of tickets with a view to minimise (minimising) opportunities of mischief of similar or any other kind in future. With that end in view, and in consultation with the Chief Commissioner, Delhi, I appointed Mr. Gupta to examine the whole question, and, in particular, the existing practice and procedure

Tele : Address :-

"PRELEGAS."



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in regard to both these matters, and to report whether any, and if so what, modifications were in his opinion necessary.

"Mr. Gupta had made his Report, a copy of which was sent by him to the Chief Commissioner, Delhi, under my orders. The Chief Commissioner has since sent me a Note prepared by the Senior Superintendent of Police, Delhi, who, while endorsing all the proposals made by Mr. Gupta, makes other additional suggestions. The Superintendent of Police, Simla, has also, in his letter dated the 5th of August to Mr. Gupta, submitted certain proposals for my consideration. I have carefully examined all these proposals, but they are so many, and some of them are so sweeping in character that I thought, before passing final orders, I should have them further examined by a Committee of this House and take their advice for my guidance. In the meantime, and pending the Report of the Committee I am about to appoint and my final orders thereon, I have introduced, as Hon'ble members are aware, certain changes in the existing practice and procedure of the issue of tickets, and I have no doubt Hon'ble members will do their best to co-operate with the Department in carrying them out. I am aware these changes fall far short of the proposals of Mr. Gupta or the two Police Officers, but in my opinion they are adequate enough for the purpose in view, at any rate, until I have the views of the Committee of the House and am in a better position to take final decision.

"It is neither necessary nor perhaps desirable that I should state my views at this stage on the proposals in question beyond indicating the general principle which in my judgment should guide the Committee in their examination of the proposals. That principle is that, while we should, and indeed we are bound to, take every precaution to ensure that no undesirable and suspicious character finds entry into any of the galleries, precautionary measures to be taken must not be of such a character as to operate as a source of harassment, annoyance or humiliation to the general public visiting the Assembly building for any *bona fide* purpose.

"Arising out of the question under consideration, there is one other matter of no less importance which has occurred to

me, and I should like the Committee to examine it on its merits and advise the President. Under the existing arrangement, the police guard the precincts of the Assembly building, including the galleries, but they are not responsible to the President, and it has been even doubted whether they are under his orders while on duty when the Assembly is in Session. In the House of Commons, on the contrary, the galleries are entirely in the charge of and guarded by messengers in the department of the Sergeant-at-Arms who is the officer of the House responsible to it, and the lobbies and the floor of the House are guarded by the door-keepers on the staff of the same department. The police do not enter the galleries, lobbies or the floor of the House while the House is sitting, the only exception being that there is a constable in plain clothes present in what is known as the members' gallery. All other outside places within the Westminster Palace are guarded by the police who are always subject to the orders of the Speaker while they are on duty. The idea that has occurred to me is whether the time has not yet arrived to introduce in the Assembly the system of door-keepers and messengers in charge of the floor of the House, its lobbies and galleries as in the House of Commons, leaving all other parts of the Assembly building to be guarded by the police under the orders of the President. With these observations I hereby appoint a Committee of the following members with Rai Sahib D. Dutt as Secretary:

1. To examine the proposals made by the Secretary of the Assembly, the Senior Superintendent of Police, Delhi, the Superintendent of Police, Simla, as also the changes recently introduced by the President, Legislative Assembly, in the system of issue of tickets and make such recommendations in regard to such of them as the Committee deems proper;
2. To consider and recommend whether the time has arrived for the Assembly to entertain its own staff for the purpose of guarding the floor, the galleries and the lobbies as also of regulating the admission of visitors and to leave it to the police, under the orders of the President, to guard other parts of the Assembly building, and

AUTHORITY OF THE CHAIR

if so, what should be the number of door-keepers and messengers required, their remuneration, method of recruitment, conditions of service, etc.

3. to make such other recommendations as they consider necessary in the circumstances; and
4. to report on or before the 15th October, and, if there are any point or points on which immediate action beyond what has already been taken by the President of the Assembly is in the opinion of the Committee necessary, to make *interim* recommendations.

Names of Members.

The Hon'ble Sir James Crerar (*Chairman*)

Maulvi Muhammad Yakub

Mr. K. C. Roy

„ A. G. Ghaznavi

„ E. L. Price

„ K. C. Neogy

„ M. S. Aney

„ A. Rangaswamy Iyengar

„ Gaya Prasad Singh

I also hereby direct that the Secretary do make the following papers available to the Committee:

1. Report of Mr. Gupta.
2. Note of the Senior Superintendent of Police, Delhi.
3. Letter dated the 5th of July from the President of the Legislative Assembly to the Clerk of the House of Commons.
4. Reply dated the 18th of July from the Clerk of the House of Commons to the President of the Legislative Assembly and the enclosures.
5. Letter dated the 5th of August from the Superintendent of Police, Simla, to the Secretary, Legislative Assembly.
6. Circular No. I, embodying the changes recently introduced under the orders of the President in the system of the issue of visitors' tickets.

In addition to these documents, the Committee will, if neces-

sary, invite Mr. Gupta and the two Superintendents of Police further to explain and elucidate their proposals and also consult other officials and non-officials who in their opinion are likely to give useful information."

The Report of this Committee, known as the Watch and Ward Committee, under the Chairmanship of Crerar, the Home Member, was expected to be submitted to the President long before the next sitting of the Assembly, so as to enable him to take the necessary steps in regard to the issue of visitors' cards, etc. Nothing was heard from Crerar till the 13th of January 1930. In the absence of any information regarding the issue of the Report, Vithalbhai ordered the Assembly to follow the same procedure as that which he had laid down at the Simla Session. In the evening of the 13th of January, 1930, Crerar, the Chairman of the Committee, sent three copies of the Report and asked for an interview the next day. They met and discussed several matters arising out of the Report and came to an agreement in regard to the policing of the Assembly building. Till the evening of the 19th of January, Vithalbhai was not prepared for any serious and untoward happenings. The Session of the Legislative Assembly was to open on the 20th of January, and tickets to visitors were issued in accordance with the orders of the President as given by him on the 12th of January. Soon after 9 p.m. on the 19th of January, however, he received two communications, one from the Chief Commissioner, Delhi, and the other from Crerar, both simultaneously, which gave clear indications of the coming storm. The Chief Commissioner made it clear to the President that his order to admit one plain-clothes policeman would not be carried out and that uniformed police without any permit from the President would be posted instead. This communication by the protagonists of law and order created a serious situation inasmuch as it was a direct challenge and affront to the authority of the President. Vithalbhai who had crossed swords with the high and mighty so often in the past was not the person to lose his nerves and allow himself to be brow-beaten by the caprices and vagaries of officials. He had a most anxious night and came to the only conclusion that any self-respecting President would come to. Once again he rose to

AUTHORITY OF THE CHAIR

the full height of his stature and made the following bold and courageous statement in the Assembly:

"Before I call upon new members desiring to take their seats to take the oath or make the affirmation in the manner prescribed, I desire to bring to the notice of this House a very serious situation which has arisen as a result of certain differences of opinion between the Government of India and the Chief Commissioner, Delhi, on the one hand, and the President of the Assembly on the other, regarding the question of control over admission of visitors in the outer as well as the inner precincts of the Assembly sector. The Government of India and the Chief Commissioner maintain that they, being responsible for the safety of the President and other members of this House, are entitled to take such measures and post as many policemen in any part of the sector, with such instructions to them as they consider necessary, and that they are the sole judges of the adequacy of the protective measures to be taken in that behalf. The President of the Assembly, on the other hand, is of the opinion that his authority within the precincts of the Assembly sector is so supreme and his control so complete, that his word as to the adequacy of the protective measures to be taken is final, and that no measures which have not his previous approval could be put into force within the precincts of the sector.

"Last night, after the clock had struck nine, I received an urgent communication from the Chief Commissioner, Delhi, with a copy of a series of orders which have been issued by him to the police. I wish I could read these orders to the House, but as the communication is marked 'confidential' I refrain from doing so. Simultaneously I received the following communication from the Hon'ble the Home Member:

"IMMEDIATE

Dear Mr. President,

The Chief Commissioner of Delhi has referred to the Government of India certain questions relating to the police arrangements for the protection of the Assembly Chamber, its precincts and the Council House Building, which I understand he discussed

with you yesterday. The most essential of these relate to the proposals for checking admission to the Council House building and the presence of police, including uniformed police, in the public gallery. These questions, after discussion, have been referred to His Excellency the Governor-General and with his concurrence, the considered view of the Governor-General in Council is that, while supporting to the furthest reasonable limits the Hon'ble the President's dignity in consultation with him with regard to arrangements for protecting the Assembly and the public resorting to its precincts, if the Hon'ble the President is not prepared to concur in the advice of the Local Government which is in law responsible, in essential matters of the provision for protection, Government must take the final responsibility for the adequacy of protective measures, on which point the authority immediately responsible is clearly the best judge.

The Chief Commissioner of Delhi has accordingly been instructed to carry out his proposals in respect of the two essential points which I have mentioned above.

I consider it, however, important that we should discuss the position personally, and I shall be glad to meet you at any time tomorrow convenient to you before the Assembly meets.

(Sd) J. Crerar."

"The communication speaks for itself and needs no comment.

"As Hon'ble members are aware, the President of the Assembly had appointed a Watch and Ward Committee under the Chairmanship of the Leader of the House to consider the whole question of the precautionary measures to be taken and to advise him thereon. The Committee had recently submitted their report, and the President has passed certain orders on their recommendations. The proposals which the Chief Commissioner, Delhi, with the full concurrence of the Government of India, has put into operation from today, after full knowledge of the orders passed by the President on the recommendations of the Watch and Ward Committee are in deliberate defiance of those orders and constitute a challenge to the authority of the Chair. To take only one instance: the President has directed that the galleries shall be guarded by the Assembly staff and that there shall be allowed

only one policeman in plain-clothes in the public gallery, in accordance with the practice in the House of Commons, while the Chief Commissioner has posted four policemen in uniform in the public gallery. I have carefully studied the large number of orders issued to the Police by the Chief Commissioner, and I have no hesitation in saying that, taken as a whole, they seek to substitute the authority of the Government for the authority of the Chair in the whole Assembly sector including the galleries.

"In these circumstances, I have no other course open but to direct that all the galleries except the Press gallery, be forthwith cleared and closed, and that no further passes be issued to strangers until further orders. I hope the authorities concerned will in the meantime reconsider their position, and I will also consider what further steps I should take to vindicate the authority of the Chair.

"I express my regret to those who might be inconvenienced by this order."

The statement created a furore, and the following conversation ensued between Vithalbhai and Crerar:

The Hon'ble Sir James Crerar: Sir,...

Mr. President: Orders must be carried out first.

The Hon'ble Sir James Crerar: I request you, Sir, to give me an opportunity to make some observations on the statement you have just made.

Mr. President: Orders must be carried out first.

(All the galleries, except the Press Gallery, were then cleared).

Dr. A. Suhrawardy intervened and asked: Sir, may I inquire whether your order applies also to the members of the Council of State, who are entitled to come without passes?

Mr. President: Yes.

The Hon'ble Sir James Crerar: Sir, may I with all respect ask to be allowed to make some observations?

Mr. President: Will the Hon'ble member kindly resume his seat? With regard to what does he wish to make observations?

The Hon'ble Sir James Crerar: With regard to the statement which you, Sir, have just made.

Mr. President: I have passed my order and it cannot be questioned. Gentlemen desiring to take their seats will come to

the table and make the oath of affirmation in the manner prescribed.

By his bold and courageous stand in thus asserting his authority in defence of the authority of the Chair and the rights and privileges of the Assembly, Vithalbhai evoked unstinted praise and admiration from all the constitutionalists and also from the general public. He was with one voice acclaimed by the Indian Press as the greatest and boldest defender of constitutional and parliamentary rights, recalling the memorable struggles carried on so successfully by the Speakers of the Parliament of Charles I. He had, however, incurred the wrath of the bureaucracy and was subjected to various kinds of minor indignities and pinpricks at the hands of the official world. He had already come into serious conflict with the Government officials by his ruling in connection with the Public Safety Bill. A social boycott was started. Officials had ceased observing the normal official etiquette, and showing the usual courtesy to the President. The social boycott was considerably intensified since this incident. Vithalbhai was not at all disturbed by these not altogether unexpected happenings. He continued ploughing his lonely furrow in the sands of Simla even in the absence of the Swarajists who undoubtedly would have strengthened his hands in his struggles with the bureaucracy but who had now resigned their seats in the Assembly in obedience to the mandate of the Congress. His relations with the European and Anglo-Indian members were as strained as those with the officials. Crerar was obviously on the war-path. The Secretariat atmosphere was full of intrigues and serious efforts and plots were being hatched to dethrone the Tartar of a President from his seat. In the midst of this atmosphere of distrust and hate Vithalbhai looked upon Irwin as his one and only friend. Attempts were made to bring about an estrangement between them. It is not clear whether Irwin had already lost the regard he had for Vithalbhai in such abundant measure till only the other day. Irwin certainly knew, at least to some extent, that the official mind was prejudiced against him and that they were placing all sorts of obstacles in his way.

Irwin was away when these developments took place. He had anticipated that Vithalbhai would make some statement as the

result of the situation created by the Government of India. Before it was too late, he had sent a telegram to Crerar asking him to request Vithalbhai to refrain from making any statement pending his return to headquarters. It transpired subsequently that this wish of his was not conveyed to Vithalbhai. Several non-officials were vastly excited and extremely disturbed when they learnt that Vithalbhai was kept absolutely in the dark in respect of the specific wishes of Irwin, as conveyed by him through Crerar.

Some time in February, Pandit Madan Mohan Malaviya came to know about the telegram sent by Irwin to Crerar in this connection. He was astonished at the news and put a short notice question in the Assembly on the 4th of February. The replies given by Crerar throw such an illuminating light on the situation that a reproduction of the questions put to him by the various members and the replies given by him will not only make interesting reading but will clear up and completely vindicate Vithalbhai's position on this issue.

Pandit Madan Mohan Malaviya: (a) Is it a fact that His Excellency the Viceroy had telegraphed to the Hon'ble the Home Member to request President Patel to postpone making any statement on the question relating to police arrangements in the Visitors' Galleries of the Assembly till His Excellency's return to Delhi?

(b) If the answer to part (a) is in the affirmative, is it a fact that this message was not communicated to the President? If not, why not?

The Hon'ble Sir James Crerar: I will, with your permission, answer both parts of the question together.

I have His Excellency's permission to state to the House that on the evening of the 19th of January I received a confidential telegram from His Excellency, in the course of which he suggested that if the Hon'ble the President intended to make a statement on the subject, I should approach him in order to suggest his postponement of any statement pending an opportunity for further discussion after His Excellency had returned. *I had no reason to suppose that the President intended to make a statement* when the House met as he had given me no intimation to

that effect; but on receipt of His Excellency's telegram I at once telephoned to the President's house intimating that I had a very urgent matter which I wished to discuss with him personally. I was informed that he was unable to receive me and I accordingly wrote to him immediately repeating my request that I might see him at any time convenient to him before the House met. To that communication I received no reply.

Pandit Madan Mohan Malaviya: In view of the urgency of the matter, could not the Hon'ble the Home Member go down to the house of the President to meet him?

The Hon'ble Sir James Crerar: I should have been prepared to do so if the suggestion had been made to me.

Pandit Madan Mohan Malaviya: Was there a definite indication that the President could not meet the Hon'ble member, or was it a matter of the Hon'ble member not being able to get the President on the telephone?

The Hon'ble Sir James Crerar: The answer I received apparently from a domestic servant in the President's house was, firstly, that the President was having his dinner, and later, when I emphasised the urgency of the matter, I was informed that the President was in fact ill and in bed. I could hardly expect to convey verbally any further intimation to him in such circumstances.

Pandit Madan Mohan Malaviya: The Hon'ble the Home Member's statement shows that, on the first occasion a domestic servant answered, but on the second occasion he was informed that the President was ill and in bed. Were not these circumstances sufficient to enable him to understand that the message had not been communicated to the President? In view of the fact that His Excellency the Viceroy had telegraphed to the Hon'ble member to communicate his message to the President, did he not think it his duty to attempt, even on the morning of the following day, to see the President?

The Hon'ble Sir James Crerar: After I heard that the President was in bed and recognising the urgency and importance of the matter, I immediately wrote to him a letter the purport of which is in possession of the House. To that letter, as I have already stated, I received no reply, and I think I was entitled

to assume that, if the Hon'ble the President desired to see me, he would, having regard to the urgency of the matter which I had intimated, have so informed me.

Pandit Madan Mohan Malaviya: In view of the fact that the Hon'ble the President was ill, could not the Hon'ble the Home Member understand that it might be due to his illness that he got no reply, and when the President came to the Assembly the next morning, did the Hon'ble the Home Member try to see the President in the President's room before coming to the House?

The Hon'ble Sir James Crerar: I should have been perfectly prepared to respond to any request made by the Hon'ble the President in accordance with the terms of my letter.

Mr. M. A. Jinnah: In the letter to which the Hon'ble the Leader of the House refers, will he point out any word or words to indicate that he had received an important message from His Excellency the Viceroy and wanted to communicate that message to the President?

The Hon'ble Sir James Crerar: I intimated that I had a very important and urgent matter to discuss with the President and I think I was entitled to assume that it was hardly possible that, *to such a request made by the Leader of the House to the President, he should receive no reply.* (Ha!)

Mr. M. A. Jinnah: May I know why, when the Hon'ble the Home Member found that he had not received a reply to his letter, he did not send a demi-official letter conveying His Excellency's message to the President?

The Hon'ble Sir James Crerar: I had already intimated that it was a very urgent and important matter on which I desired an interview. I considered that the communication which I desired to make to the President would properly be made in an interview rather than in correspondence.

Mr. M. A. Jinnah: May I know why the Hon'ble the Home Member did not communicate the message to the President when he found that the President was not able to see him?

The Hon'ble the Home Member: I desired to make my communication in the most satisfactory way, which was by personal discussion, and as I have already stated I could not have expected that the President would not be able to give the inter-

view. Having asked for an interview I had no reason to anticipate that my request would not be complied with.

Mr. M. S. Aney: Does the Hon'ble Member mean to say that the Hon'ble the Home Member would have seen the President only if the President would send for him, otherwise not? Is that the position?

The Hon'ble Sir James Crerar: No, Sir, that was not my view of the position.

Pandit Madan Mohan Malaviya: Can the Hon'ble the Home Member explain how, because he sent a letter to President Patel and did not receive a reply, he was justified in withholding the message from His Excellency the Viceroy altogether from the President?

Mr. M. A. Jinnah: May I know why the Hon'ble the Home Member, when he found that a personal interview was not possible, did not communicate the message from His Excellency the Viceroy to the Hon'ble the President? Did not His Excellency the Viceroy say that his message should be conveyed to President Patel?

The Hon'ble Sir James Crerar: As I have already stated, I had no reason to anticipate that my request would not be complied with.

Colonel J. D. Crawford: May I inquire from you, Sir, whether you got a telephonic message, and why you did not reply to the Hon'ble the Home Member's letter?

Mr. President: I expect that Hon'ble members will not want me to give any answer now. I will only say that the facts about the message elicited so far are *in some respects imperfect and in other respects incorrect*. I do not wish to enter into a controversy at this stage; if and when the necessity arises for me to make a statement, I will do so.

The Hon'ble Sir James Crerar: May I say a word, Sir? It would be of great advantage to me if you could tell in what respect my answers were incorrect.

Mr. President: I received no telephonic communication from the Hon'ble the Leader of the House. Does the Hon'ble member want to know anything more?

The Hon'ble Sir James Crerar: May I ask you, Sir, to state....

Mr. President: The Hon'ble member cannot cross-examine the Chair. If and when the occasion arises, the President will make a statement.

The Hon'ble Sir James Crerar: I do not propose to address anything by way of cross-examination to the Chair. I desire merely to point out that the fact that I sent a telephonic message to your house and received an answer is perfectly correct.

Mr. M. S. Aney: Sir, *is there any indication in the letter* which the Hon'ble the Home Member addressed to the Hon'ble the President *that he had telephoned to him* once or twice and that he did not receive any reply?

The Hon'ble Sir James Crerar: I made no statement to that effect but my letter was very explicit and it contained a very urgent request for an interview.

Mr. M. R. Jayakar: Will the Hon'ble the Home Member state why, in the letter he addressed to the President, he did not specifically state that he was in possession of a very important message from His Excellency the Viceroy and that he wanted to see the President in that connection?

The Hon'ble Sir James Crerar: I have already answered that question.

Mr. Arthur Moore: May I ask the Hon'ble the Home Member to state how, in view of the statement he has made that this was a confidential message from His Excellency, the information came into the possession of the Hon'ble the Leader of the Opposition?

The Hon'ble Sir James Crerar: I have no information to that effect, but I shall be very glad to hear it from the Hon'ble and learned Pandit.

Pandit Madan Mohan Malaviya: I received this information from a very reliable person at Allahabad, and I wired my question on that information, and I am glad to find that that information has been found to be correct.

The replies given by Crerar on the floor of the House were evasive and obviously lacked in straightforwardness. They gave Vithalbhai one more opportunity thoroughly to vindicate the correctness of the attitude he had taken in the discharge of his duties and responsibilities. By the 11th of February, he pre-

pared a full and detailed statement in which he exposed the fallacies underlying the arguments advanced and insinuations made by Sir James in respect of the non-compliance of his request for an interview, and another, on the legal aspect in connection with the main issue; and sent both of them to Irwin for his information and approval. Irwin realised the gravity of the situation and persuaded Vithalbhαι to drop the idea of making that statement in the Assembly and assured him that he would see that proper amends were made in some suitable manner. In view of their importance and interest, we take the liberty of reproducing both these statements here:

"I think I owe it to myself and to this House that I should make a statement in answer to the suggestion, or, shall I say the charge, made by the Leader of the House, against me of showing discourtesy to him in not complying with what he has been pleased to describe as a request for an interview for an urgent and important matter. This statement, in my opinion, is all the more necessary not only to clear up certain misunderstandings regarding my position, but also because my non-compliance with the so-called request was the main justification alleged by the Leader of the House for his inability to communicate the wish of His Excellency to me, which, if it had been conveyed before I made the statement on the 20th of January, would have saved the situation which has since developed. In order that Hon'ble members might understand the full import and meaning of this request and my non-compliance with it, I must explain in brief the circumstances leading to the communication containing the request.

"As the Assembly was fixed to meet on the 20th of January, my office sought my orders whether, in view of the fact that it was not known when the report of the Watch and Ward Committee would be submitted to the Hon'ble the President, the same procedure as was adopted at the Simla Sessions regarding the issue of visitors' cards, etc., should be followed for the ensuing Session. After discussing the matter with the Secretary and the Assistant Secretary I agreed on the 10th of January that no change need be made at present in the existing procedure; and the office accordingly issued the necessary circular and ins-

structions to Hon'ble members on the 13th of January. In the evening of that day I received an urgent communication from the Chairman of the Watch and Ward Committee, the relevant portion of which is as follows:

'There are still two signatures of members of the Watch and Ward Committee which have not yet been received, excluding that of Mr. Rangaswamy Iyengar, whose signature, I understand, in view of his resignation from the Assembly, is not to be expected. As I consider it important that the report should be in your hands without any further delay, I have instructed the Secretary to send you three copies of the report today together with the signatures received and such supplementary notes as have been recorded. I think it would be advantageous if we discuss the report and the action to be taken in connection with it, and I shall be glad to meet you in your office tomorrow (Tuesday) at, say 11 a.m., if this will be convenient to you.'

"Thereupon I suggested to the Chairman that, as I wanted a few hours to read and understand the recommendations of the Committee, we should meet at 4 p.m. instead of at 11 a.m. At the request of the Chairman, the Member for Industries for the Government of India was also present at our discussion. The Chairman and I discussed all the recommendations, one by one, and gave instructions to the Superintending Engineer, who was also present, to carry out immediately certain structural alterations recommended by the Committee. Generally speaking, I accepted all the recommendations except one, in respect of the maintenance of a register to check re-entry. The recommendation of the Committee that the inner precincts of the Assembly sector should be under the control of the President and be guarded by the Assembly staff and that one or two C.I.D. men in plain clothes should be admitted in the public galleries was discussed, and I pointed out that I was not in favour of admitting any member of the C.I.D. in the galleries. The Chairman thereupon told me that the Committee did not mean C.I.D. and that reference to it in the report was a slip. What the Committee really intended, he added, was that there should be one or two ordinary policemen in plain clothes in the public galleries.

In that case, I said, I had no objection but, for the present, I would admit one policeman and later, if the necessity arose, I would allow two. I further pointed out that the Assembly staff would have to be immediately augmented and it was agreed that my office should write to the Finance Department for sanction for the retention of some more temporary men.

"We then went round the building and gave oral instructions to the Superintending Engineer to carry out certain arrangements. I am bound to say that no differences of opinion were disclosed at the meeting, nor was the question of my authority to pass final orders challenged. I instructed the Secretary to write an urgent communication to the Finance Department and to issue a pass for one plain-clothes policeman on a request from the Superintendent of Police in that behalf.

"On the 15th of January, my office addressed the Finance Department. The relevant portion of that communication is stated below:

'The undersigned is directed to inform the Finance Department that the Watch and Ward Committee appointed by the Hon'ble the President of the Assembly, which sat under the Chairmanship of the Hon'ble the Home Member, has recommended that a separate Assembly establishment of door-keepers and messengers should be appointed for the purpose of checking tickets, controlling the ingress and egress of visitors to the galleries, showing them to their seats and dealing with minor forms of disorders, and has further recommended that the nucleus of such an establishment should be entertained as soon as possible to give effect to these recommendations, which the Hon'ble the President accepts. The sanction of the Finance Department is sought for the temporary entertainment of 10 additional clerks on the lower division scale of pay. * * * *

The delay in submitting this proposal is regretted and is due to the fact that the report of the Committee has only very recently been submitted to the Hon'ble the President. An immediate reply is requested owing to the imminent approach of the Session.'

"On the 18th of January noon, the Assistant Secretary informed me that the Finance Department had not till then

replied to our communication and whether I would not, in view of the urgency of the matter, request the Home Member to help us in the matter. I at once phoned up the Home Member and told him about it. He replied that there was some misunderstanding and that he was not prepared to support the proposal to have the Assembly staff substituted for the police in the galleries, and inquired if I had discussed the matter with the Chief Commissioner, Delhi.

"I naturally got somewhat annoyed at this reply and reminded him that he had taken no objection to my order when it was passed and asked him how it was that he was taking up that attitude now. He replied that he had not understood my order in that way.

"On the 20th of January I got the following reply from the Finance Department to our communication:

'With reference to the office memorandum from the Legislative Assembly Department, No. 216-G, dated the 15th of January 1930, the undersigned is directed to convey sanction to the entertainment, for the period of the current Delhi Session as a provisional arrangement, of 10 additional clerks, in the lower division of that department to form a separate Assembly establishment of door-keepers and messengers.'

"In the meantime, as suggested by the Hon'ble the Home Member on the 'phone, I invited Sir John Thompson, the Chief Commissioner of Delhi to meet me at my place in the afternoon of the 18th of January. I was ill in bed and therefore the Chief Commissioner very kindly came to my bed room and we both then sat in the verandah of the room and discussed the recommendations of the Watch and Ward Committee for over an hour and I explained to him the orders I had passed on the 14th. He told me that I had almost converted him to my point of view on the question of the maintenance of a register to check re-entry but on the main question of locating the police in the public galleries he was afraid he could not see eye to eye with me and that a question of principle was involved in it. He maintained that the Local Government was in law responsible for the safety of the President and the members of the Assembly and in that view he was entitled to post as many policemen,

both within the inner and outer precincts of the Assembly sector with such instructions to them as he considered proper. I pointed out to him that I had already passed my order, and that I would admit one plain-clothes policeman in the public gallery, acting on the recommendations of the Watch and Ward Committee, and that if his contention was upheld, the Local Government might, if they so chose, post policemen on the floor of the House as well as in the lobbies. I further drew his attention to the practice of the House of Commons and in the Madras Council and said that the galleries, the floor of the House and the lobbies were not places of public resort, where the jurisdiction of the police under the Police Act could extend. Of course, he did not agree with me and claimed that, in his view, the jurisdiction of the police extended to the floor of the House also. He enquired of me what action I would take in the event of the Local Government locating uniformed policemen in the public galleries in spite of my order to admit only one plain-clothes policeman. I informed him that I had not thought of the matter at all, but what occurred to me for the moment was that, in the event of such deliberate defiance of my order, *the only action I could take would be to clear and close the galleries till the question was settled*, because, in my opinion, that was the only way open to me, consistently with the authority of the Chair and the dignity of the House. I also informed him that there were only twelve applications for visitors' tickets for the 20th of January and, under the rules, no further applications could be entertained for the day and that one policeman was quite enough, and, later, if the necessity arose, I would admit more. He again emphasised that the question was not whether one man was enough, or two or three or more, but the question was who was the final authority to decide the matter and that, in his opinion, the Local Government was that authority and that he was inclined to post four uniformed policemen in the public galleries on the 20th of January. I requested him to think over the matter and let me know what he ultimately decided to do as early as possible in order to enable me *to consider what action I should finally take to vindicate the authority of the Chair*, if it was challenged so

openly. He agreed to write to me after consulting the Home Member.

"Soon after the clock had struck 9 on the 19th of January night, I got two communications, one from the Chief Commissioner, Delhi, and the other from the Hon'ble the Home Member, both simultaneously. The Chief Commissioner writes:

Delhi,

Confidential.

19th January, 1930.

Dear Mr. Patel,

With reference to our conversation yesterday, I am now sending you a copy of the orders which have been issued to the police.

As you will see, I have dropped the idea of maintaining a register for the purpose of checking re-entry.

I have also decided not to make use of the Press Gallery Pass which you issued at the Superintendent's request for a plain-clothes policeman.

The orders, like all orders of their nature, are confidential, but this does not mean that the mere facts (1) that necessary police precautions will be adopted at the outer doors and in the main corridor and (2) that uniformed police are to be posted in the gallery, need be kept secret.

I trust that you are feeling better today.

Yours sincerely,

(Sd.) J. Thompson.

"The orders referred to in para (1) of the letter were not previously sent to me even for my opinion. In the second para the Chief Commissioner says that he has dropped the idea of maintaining a register for the purpose of checking re-entry, making it quite clear to the President that the question of keeping or not keeping a register of visitors is also not for the President to decide. By the third and fourth paras he communicates his decision that my order to admit one plain-clothes policeman, for whom a pass had already been taken by the Superintendent of Police, will not be carried out, but instead, uniformed police, without any permit from me, will be posted. Comment on this letter is unnecessary.

"I am sorry I could not read to the House the orders referred to in para (1), as those orders are confidential in their nature as stated in para (4) of the letter.

"I now propose to deal with the letter of the Home Member.

"The House would recollect that the whole letter was read out by me on the 20th of January to the Hon'ble members and has been printed at page 2 of Legislative Assembly Debates, Vol. I — No. 1. I would ask Hon'ble members to read it once again. They would find that *the sole purpose of the letter was to communicate to me the orders of the Governor-General in Council*, passed with the full concurrence of the Governor-General, on the proposals of the Chief Commissioner, Delhi, in regard to the police arrangements, both within the inner and outer precincts of the Assembly sector, and to intimate to me that the Chief Commissioner had been instructed to carry out these proposals next day when the Assembly met. In effect the communication says to me 'Mr. President, you have passed your order to admit one policeman in plain clothes in the public gallery tomorrow when the Assembly meets. The Government of India have instructed the Local Government to disobey and defy your order and enforce theirs by posting uniformed policemen in that gallery.' I regard the letter as a direct challenge and affront to the authority of the President. The Home Member concludes the letter by saying, 'I consider it, however, important that we should discuss the position personally, and I shall be glad to meet you at any time tomorrow convenient to you before the Assembly meets'. I cannot understand what self-respecting President would, after receiving such a letter, agree to discuss the same matter again with the Home Member when nothing but unnecessary unpleasantness would result from such discussion. I did not, of course, send any reply to the Home Member. I was more concerned and worried about the action I was, under the circumstances, bound to take next morning when the Assembly met, and I am now charged with discourtesy by the Home Member in not replying to his letter.

"This, I think, is a convenient stage to deal with the controversy regarding the Viceroy's message or wish or suggestion, whatever one might like to call it.

"It appears that, sometime on the 19th, the Home Member received a telegram from His Excellency from Baroda, asking him that if I intended to make a statement on the subject of police arrangements on the 20th of January, to tell me to postpone the statement pending an opportunity for further discussion after His Excellency has returned. I desire to make it clear that if this wish of His Excellency had been made known to me the episode of the 20th of January would not have happened.

"In answer to the short notice question of the Leader of the Opposition, the Hon'ble Sir James Crerar gives a clear impression to the House that *on receipt of that telegram and after making two attempts to get me on the phone*, he at once wrote to me that he had a very urgent and important matter, which he wished to discuss with me personally. He also gives an impression that the letter was written to me *specially for an interview for this purpose*. In his replies to the supplementary questions he goes on emphasizing this more than once. This is what he says in reply to the main question:

'On receipt of His Excellency's telegram I at once telephoned to the President's House intimating that I had a very urgent matter, which I wished to discuss with him personally. I was informed that he was unable to receive me and I accordingly wrote to him immediately repeating my request that I might see him at any time convenient to him before the House met'.

"This is what he says in two or three places in reply to supplementary questions:

'I intimated that I had a very important and urgent matter to discuss with the President and I think I am entitled to assume that it was hardly possible that, to such a request made by the Leader of the House to the President he should receive no reply.'

'I had also intimated that it was a very urgent and important matter on which I desired an interview.'

'My letter was very explicit and it contained a very urgent request for an interview.'

"I wish here to state that the only letter which I had received from the Home Member was the one referred to above. It was, as I have already pointed out, mainly intended to com-

muincate to me the orders of the Governor-General (in Council) and the instructions issued by them to the Local Government asking them to carry out their proposals next morning, and at the end of that letter a sentence was added, which I have read to the Hon'ble members.

"I would ask the Hon'ble members to judge for themselves whether the replies given by the Home Member are consistent with actual facts and whether there was anything in that sentence from which I could conclude, or, even remotely infer, that the Home Member had anything urgent to discuss with me, other than what had already been discussed, to require me to make an appointment with him and whether or not the sentence in the letter, on the contrary, makes it quite explicit that the Hon'ble member wanted to discuss personally the same matter, about which *final* orders of the Government of India were communicated to me by that letter.

"The Home Member takes shelter for not conveying the wish of His Excellency to me under the contents of the telegram itself, in which he says he was asked to convey that wish to me, *if I was to make a statement*; and he adds he had no reason to believe that I would make the statement. All I can say is that if he thought that the President of the Assembly would take the insult proposed to be offered to him next morning within the inner precincts of the Assembly Chamber lying down, he was doing injustice not only to me but to his own intelligence. *I am not prepared to believe* that, when the Viceroy, who was hundreds of miles away, and therefore not in close and personal touch with the currents and under-currents at the headquarters, thought that the President might make a statement in the circumstances and sent a telegram to the Home Member, it did not occur to the Home Member that I might make a statement, even after the telegram of His Excellency the Viceroy. In fact, on the 18th January, *I had intimated* in personal discussion with the Chief Commissioner, on his putting me a straightforward question, that the least I would have to do in the event of the disobedience of my orders was to clear and close the gallery.

"There is one question and answer, which I should like to quote for the consideration of Hon'ble members:

'Pandit Madan Mohan Malaviya: In view of the urgency of the matter could not the Hon'ble the Home Member go down to the house of the President to meet him?

The Hon'ble Sir James Crerar: I should have been prepared to consider the suggestion, if it had been made to me.'

"Please mark the words, 'prepared to consider the suggestion.' I will not make any further comment on this reply.

"I have no doubt in my mind that the omission on the part of the Home Member to state in his letter of the 19th of January that he wanted to discuss some urgent matter, *other than those already discussed*, or to give me some indication that he had a wish of His Excellency to communicate to me as regards the course of my conduct next day and therefore wanted to see me urgently before the Assembly met is, to say the least, inexcusable.

"Then again, if, as he says, he failed to get me on the telephone and also received no reply to his letter, he should have, after waiting for a reply till 10 o'clock next morning, either sent me a demi-official note conveying that wish or seen me personally in my office for that purpose in time before the Assembly met. It is difficult to understand why he did not adopt this course. The Leader of the House is aware that during the Session I am always accessible to him any time he wants to have a talk with me before the Assembly meets without any appointment, formal or informal. In fact, he has in the past often come into my room before going into the Assembly Chamber and on that particular day I was in my office from 10-15 a.m. If he did not do even this, he should have, when I rose to make my statement, suggested to me, from his seat in the House, that he would like to have a talk with me on an urgent matter and that I should postpone my statement and give him an opportunity to have that talk at the luncheon hour. I cannot help feeling that the Home Member in not adopting anyone of these alternatives, which would have suggested themselves to anyone in the responsible position that he occupies, on a matter so vital and so urgent, has failed to do his duty and brought about a grave situation: and I hold that this is so, even if we assume, for the sake of argument, that the whole picture drawn by the Home Member in his replies is correct.

"There is one other matter, which I should like to refer to, before I conclude. It has been brought to my notice that the Leader of the House has a grievance that I did not accept his statement that he telephoned at my house twice. In this I differ from him and those who think similarly. All I said was that I did not receive his telephone messages. His impression about my statement is therefore incorrect. It is no doubt true that his veracity in this connection was indirectly doubted in a supplementary question put by an Hon'ble member. The question put was:

'*Mr. Aney*: Is there any indication in the letter which the Hon'ble the Home Member addressed to the Hon'ble the President that he had 'phoned him once or twice and that he did not receive any reply?'

"So far as I am concerned, I am quite prepared to accept his statement on that point. In justice to myself, however, I am bound to bring to the notice of the House the following facts:

"I was ill in bed for the whole of that day. I just came down at 7 p.m. in the evening and had my meals in the dining room. My Private Secretary was in the room adjoining the room in which I have a 'phone, from 12-30 to 7-30 p.m. After my meal, at 7-30 p.m., I went to my study room, where the 'phone is. I asked my Private Secretary to leave the papers connected with the next day's business on the table and go to his house. I was in the study room till 8-30 p.m. and then went straight to bed. Soon after 9 p.m. I got the communication from the Home Member. Thus there was left only half-an-hour, during which it is possible that a domestic servant might have received a telephone message from the Home Member and knowing that I was ill and had gone to bed, did not communicate it to me. Yet, I am quite prepared to accept the statement of the Hon'ble member on the point and no member need be under the impression that I have disbelieved him."

Here ends the first of the two statements, which Vithalbhai had prepared, the one he thought he had to make in order to clear his position.

And here is his other statement, the statement which he had prepared on the legal aspect of the main issue. Its *raison*

d'être was a communique issued by the Government of India, on the 21st of January, 1930, in which they had challenged the legality of the instructions which Vithalbhai had issued in regard to the policing of the Assembly Chamber.

That statement ran thus:

"As a sequel to the orders passed by me as the President of the Legislative Assembly, on the first day of this Session, before the beginning of the regular business of the House, asking the visitors to clear the galleries, the Government of India have issued a communique, in which they have challenged the legality of the instructions issued by me in regard to the police arrangements in the internal precincts of the Assembly Chamber, while the House was sitting.

"I desire to state at the very outset that the instructions were not merely in agreement with the recommendations of the Watch and Ward Committee but substantially in conformity with the practice of the House of Commons.

"I already had my doubts about the propriety and legality of the arrangements which have existed hitherto in regard to the posting of the police in the Assembly Chamber. In the statement of the 3rd of September 1929, regarding the appointment of a Committee of the House, to consider the problem of Watch and Ward, I made the following observations:

'Arising out of the question under consideration, there is one other matter of no less importance which has occurred to me, and I should like the Committee to examine it on its merits and advise the President. Under the existing arrangements, the police guard the precincts of the Assembly building, including the galleries, but they are not responsible to the President, and it has been doubted whether they are under his orders, while on duty, when the Assembly is in Session.'

"Then, after describing in some details the practice of the House of Commons, I concluded my statement by asking the Committee carefully to consider the following point:

'The idea that has occurred to me is whether the time has not arrived to introduce in the Assembly the system of door-keepers and messengers in charge of the floor of the House, its lobbies and galleries as in the House of Commons, leaving all

other parts of the Assembly building to be guarded by the police under the orders of the President.'

'The recommendations, which the Watch and Ward Committee made on this point, are in paragraphs 8 and 9 of their report, the relevant parts of which run as follows:

'In regard to the inner precincts, we are in general agreement, that a separate Assembly establishment be entertained for for the purpose of checking admission, controlling the ingress and egress of the visitors to the galleries, showing them to their seats and dealing with minor kinds of disorder.'

'We feel, however, that we are not in a position to make any recommendation as to the method of recruitment, conditions of service, etc., of this staff, but we consider that a nucleus of such an establishment should be entertained as soon as possible.'

'Then, further, in paragraph 9, in dealing with the question of 'the demarcation of functions between the Assembly staff and police', the Committee have made the following recommendations:

'As we have already stated, we think that the general control of the inner precincts should be placed entirely in the hands of the Assembly establishment, while that of the outer precincts and the roof should be vested in the police, who would intervene in matters relating to the inner precincts, only when requested to do so by the President, and that when they perform these duties, there should be a convention established that they are acting upon instructions received from the Chair.'

'The Committee while maintaining that the above proposals, if properly put into effect, are all that is ordinarily required, suggested the advisability, as an additional precaution, to have the assistance of one or two plain clothes C.I.D. men associated with the Assembly staff in the public galleries only.'

'It will be obvious to anybody that the above recommendations proceeded on the tacit assumption that it is the right of the President of the House to control the arrangements in the inner precincts of the Assembly. Indeed, this was the basic idea of the appointment of the Watch and Ward Committee, as will appear from my own statement of the 3rd of September, 1929, quoted above. And in so far as Government did not take any step to

mark their dissent from this fundamental proposition and permitted the Leader of the House to serve as Chairman of the Committee they may be deemed to have acquiesced in it.

"On the basis of the recommendations of this Committee I had issued certain instructions, which were openly defied by the Local Government of the Province of Delhi, with full concurrence of the Government of India, as Sir John Thompson thought that they were not adequate for the protection and safety of the members, the responsibility for which was a matter of his special and exclusive concern.

"In the communique which the Government of India have issued on the 21st of January, they virtually take the same stand. The same communique emphatically declares that the Hon'ble the President has exceeded his legal powers. The communique proceeds to state, 'the Local Government of Delhi Province, subject to superintendence, direction and control of the Governor-General in Council, is directly responsible for the protection of members of the Assembly and the public resorting to the Assembly precincts, and that this responsibility is discharged through the agency of police forces maintained under the Police Act of 1861.'

"Thus the entire foundations of the claims made by the Government of India in this matter are the general responsibility of the Local Government for peace and order in the Delhi Province, within the jurisdiction of which the Assembly premises are situated, and the powers conferred under the Indian Police Act.

"It is not necessary to go into the constitutional question as to the status of the Local Government of Delhi Province. It is one of the areas administered by the Central Government and the Chief Commissioner of Delhi is only an agent of the Government of India to administer that tract under Acts passed by the Central Legislature and the Rules framed thereunder. It has the powers of a Local Government for the purpose of administering the laws passed by the Central Legislature within the limits of this area. In short, the responsibility of the Local Government in this matter means nothing more or less than their right to exercise the powers given to them under the Indian Police Act. In short, the Local Government of Delhi Province has no more powers in this behalf than what are conferred on the police under the Indian Police

Act. And it will therefore be necessary to examine the main provisions of the Act, having a bearing on this point.

"In the first place, it is necessary to state that the Indian Police Act nowhere refers in any specific terms to the members of the Assembly and the public resorting to the Assembly precincts. It was placed on the Statute-Book at a time when no popular Legislature was in existence in India. The responsibility of the police for the protection of the members of the Assembly and the public resorting to its precincts, is in no way different from their general responsibility for the protection of the public outside the Assembly. This point is very clearly brought out in a letter dated the 16th of July 1929, which Mr. W. H. Erskine, Assistant Sergeant-at-Arms of the House of Commons, addressed to the Clerk of the House of Commons, published as an appendix at page 26 of the Watch and Ward Committee's Report. After describing the practice prevailing in the House of Commons that the police in or about the precincts of the House of Commons are subject to the orders of Mr. Speaker, he goes on to state that they are all appointed by the authorities of the Metropolitan Police, and matters of discipline among them are dealt with by these authorities. Then, in the concluding portion of that letter, Mr. Erskine observes, 'the responsibility of the police for the safety of members of Parliament in the building is the same as for the safety of all members of the public whoever they may be.'

"It clearly indicates that the responsibility of the police is not enhanced merely because certain persons are either members of the Assembly or visitors to the galleries of that Assembly.

"The question on which the Government communicate fails to throw any light is whether this general responsibility necessarily empowers the police to have an unrestricted power of access to the inner precincts of the Assembly, while the House is sitting. The Metropolitan Police, at any rate, recognise a limitation on their power in this respect, and this restriction is not deemed by them as, in any way, incompatible with the discharge of their responsibilities for the protection and safety of the members and visitors to the galleries of the House of Commons.

"I venture to say that, in the absence of specific provisions in the Police Act empowering the police to have such unrestricted

access to the precincts of the Assembly, the plea which the Government of India have put forth on their behalf in their communique is entirely fallacious.

"From the close affinity of the language, which the Government of India have used in the communique in justification of the defiance of my orders by the Delhi Police authorities, viz., 'the public resorting to the Assembly', with that of Section 31 of the Indian Police Act, it seems that they rely on the provisions made in that Section of the Indian Police Act.

"I, therefore, reproduce in full Section 31 of the Indian Police Act.

'It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, ghats and landing places *and at all places of public resort* and to prevent obstruction on the occasions of the assemblies and processions on the public roads and in the public streets or in the neighbourhood of places of worship during the time of public worship, and in any case, when road, street, thoroughfare, ghat or landing place may be thronged or may be liable to be obstructed.'

"I think that I am justified in inferring from the language of the Government communique, particularly the words 'the public resorting to the Assembly,' that the Government are of opinion *that the Assembly*, while it is in Sessions, *is one of those places of public resort*, where, under the provisions of the above section, it is a legal duty of the police to keep order. I wonder if any independent lawyer, having the slightest acquaintance with the rules of interpretation of statutes, can have any serious doubt about the meaning of the words 'places of public resort' in this section and the class of places contemplated by the Legislature for fastening a special responsibility on the police to keep order. The reference is obviously to places where various kinds of people can congregate indiscriminately without any effective check or restriction and without any constitutional authority to bring them to order, if they tend to create disorder. The words 'all other places of public resort' can reasonably mean 'only other places of public resort as are similar in their character to the places mentioned before in the same section.' The well-known rule '*ejusdem generis*' would, in my opinion, govern the interpretation of the

words 'other places.' It not only excludes a statutory legislative body like the Assembly, but every other institution, where under statute, usage or rules of convention there is a constituted authority for the proper and regular conduct of its proceedings. The mere fact of the admission of visitors cannot change the nature of such bodies, if that admission is regulated by a certain definite procedure. All corporate bodies or assemblies, whose meetings are confined to their members, can claim the privilege of conducting their proceedings without permitting the police to be present; and unless the police have grounds to suspect that such a meeting is, or is going to be, an unlawful assembly, they have no right to be there merely in the name of law and order. If this restriction on their rights is not recognised, as the Government of India in their communique seem not to do, then the privilege of the freedom of assembly or public meeting which is recognised as one of the most valued privileges of citizenship will be reduced to a mockery. Taken to its logical consequence, the claim put forth on their behalf by the Government of India may even enable the police to enter the floor of the House, while the House is sitting, without the permission of the President and arrest any member or even issue a proclamation suspending the sitting of the Legislative Assembly in the name of Law and Order. The Government of India communique creates a conflict of authority, the logical consequences of which may be far more absurd and dangerous than they have probably imagined.

"In the case of the Legislative Assembly it is absurd to contend that it is a place of public resort in the sense in which that term is used in Section 31 of the Indian Police Act. I treat any suggestion to that effect as an insult to the dignity of this House.

"In this connection the Government communique also ignores the fact that the Assembly is sitting in virtue of an Act of Parliament, and functioning in pursuance of rules and orders which have the force of laws enacted by the Parliament. No provisions therefore conferred by any Act of Indian Legislature can be so construed as to conflict with the powers and privileges of the House either expressed or implied under the Act and the rules framed thereunder.

"I maintain that, in view of the clear wording of Section

67 of the Government of India Act, read with Section 129-A, the alleged responsibility of the Local Government for the preservation of order in the chambers of the Indian Legislature is simply fictitious. The provisions of the Government of India Act are very specific and unambiguous on the point.

"Section 67 provides that 'provision may be made by rules under this Act for regulating the course of business *and the preservation of order* in the Chamber of the Indian Legislature, and as to the persons to preside at the meetings of the Legislative Assembly, in the absence of the President and the Deputy President.' As there is no mention in the above provision of the authority by which the orders are to be made, under Section 129-A, the authority to make such rules vests in the Governor-General in Council with the sanction of the Secretary of State in Council.

"The second point, which is very clear, from the language of Section 67 is that the authority contemplated by the Government of India Act for the preservation of order in the Chambers of the Legislature is none else than the President, the Deputy President or any member of the Panel of Chairmen, who may happen to occupy the Chair in the Chamber in the absence of both.

"As soon as the Governor-General in Council has promulgated the rules under Section 67, the authority vests in the President to preserve order in the Chamber in accordance with those rules, and no extraneous authority can lay the least pretensions even to share that authority with him, not to speak of any claim of being the authority primarily responsible for the same. The Local Government and, for the matter of that, even the Government of India, after promulgation of the rules under Section 67 are entirely out of court, when they attempt to justify their defiance to the authority of the Chair on the ground of their responsibility for the preservation of the safety of the life of the members of the Assembly and the public resorting to the gallery. The words 'preservation of order in the Chambers of the Indian Legislature' are sufficiently comprehensive to include the safety of life of every one inside the Chamber, whether he be a member on the floor, a visitor in the gallery or a messenger or a peon moving in the lobby.

"These powers, which under Section 67, the Government of

India Act contemplates to confer on the President, have been provided for under rules 15, 16 and 17 of the Legislative Rules published in the Gazette of India, dated the 27th of September 1920. These rules arm the President with every power needed to preserve order in the Chamber.

"Rule 17 distinctly lays down: 'The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.'

"Sub-Rule 2 empowers him to direct any member, whose conduct is in his opinion, grossly disorderly, to withdraw immediately and on a repetition of the offence by the same member he can direct him to remain absent for the remainder of the Session.

"And in Sub-Rule 3, the President is given the discretion to suspend any sitting for a time to be named by him, in the case of grave disorder arising in the Chamber.

"I desire to emphasise that the President's power of suspension of the sitting is contingent on grave disorder, arising not merely on the floor of the House but in any part inside the Chamber. So his responsibility for the preservation of order and suppression of disorder inside the Chamber is unquestioned and in the very nature of things unquestionable.

"The rules do not merely fasten the responsibility upon the President but they clearly confer on him all powers necessary for the purpose of enforcing his decisions for the preservation of such order.

"The Standing Orders 35 and 36 clearly arm him with all the authority to control the admission of strangers to the galleries. These orders only express what is necessarily implied in the Legislative Rules.

"So far I have shown from the examination of the provisions of the Police Act, the Government of India Act and the Rules and the Standing Orders thereunder, that general responsibility for peace and order of the Province of Delhi does not enable the Local Government to assert its right to enter the Chamber of the Assembly, even under the powers they have got under the Police Act, and that, under the Government of India Act and the Rules, the President or the Presiding Officer of the Legislature is the only authority recognised for the preservation of order in the

Chamber and that he is armed with all the powers necessary to enforce his decisions for the purpose.

"I want to assert that any other position will create an inevitable conflict of authority in the Chamber, which is wholly incompatible with the dignity of the Chair and this August Assembly itself.

"The conduct of the Local Government and the Government of India is indefensible even from the point of view of the conventions, which are generally recognised as having the force of law in all representative bodies throughout the civilised world. It was known to the Government of India and the Local Government that the President had issued certain instructions. The proper course for the Government of India was *not to set an example of Civil Disobedience to it*, even if they were advised that the President's orders were *ultra vires*.

"I can take my stand on a well known rule which is the foundation of all the powers and privileges which the House of Commons enjoys, viz., that 'whatever matter arises concerning either House of Parliament ought to be examined, discussed or adjudged in that House to which it relates and not elsewhere.' But even if it be conceded that the Government of India Act does not contemplate to constitute the Assembly into a judicial tribunal such as the House of Commons is recognised to be, still the proper remedy for the Government was to have submitted to the orders of the President under protest and applied to a court of competent jurisdiction to test its legality. Instead of taking recourse to any of those constitutional methods, they have chosen to defy the authority of the Chair inside the Chamber."

Vithalbhai sent these statements to Irwin on the 11th of February. Before then, Vithalbhai had agreed to make a much weaker statement, such as could satisfy Irwin, but Vithalbhai had agreed to do so on one condition, and that was that Crerar should follow it up by a short statement expressing his regret for his inability to convey to him Irwin's wish owing to a 'misunderstanding.' This arrangement fell through, because it was held that the question of the non-delivery of Irwin's message was a matter between Irwin and Crerar, and that the Assembly and the President were in no way concerned with it. In these circum-

stances, particularly, as in his replies to the short notice questions in the Assembly, Crerar had tried to turn the tables against him, Vithalbhai could not easily be persuaded not to make in the Assembly the statement he had now prepared (the first of the two statements) and of which he now sent a copy to Irwin. In fact he would have made the statement, even before Irwin returned to Delhi, but Bhupendra Nath Mitra succeeded in persuading Vithalbhai to postpone making it till Irwin's return to Delhi. He had shown parts of the statement to Jinnah, and on the whole Jinnah had approved of it. In the meanwhile, on the main question, a formula was agreed upon between Malaviya, Jinnah and Jayakar on one side, and Crerar on the other. Vithalbhai would not agree to it and Crerar had telegraphed it to Irwin. Nothing was possible until Irwin returned. The week after Irwin's return was a hectic week not only for Vithalbhai and Irwin, but also for Crerar and Co. on one side, and Malaviya, Jinnah and Jayakar on the other.

On the 12th of February, Irwin wrote to Vithalbhai, after reading his statements, that if he (Vithalbhai) made his statement in that form, it was bound to make the situation much more difficult, that he would discuss the matters with his colleagues and then with him, and that the main objective on which all of them should concentrate should be the restoration of harmonious relations all round, if that could be in anyway accomplished. There were several meetings between Vithalbhai and Irwin, with Crerar, and without Crerar, and then on the 18th, Irwin met the various party leaders along with Vithalbhai and conferred with him on the matter. On the 19th, Irwin sent a draft of his letter (as it would have been if it had been accepted by Vithalbhai) to him for his approval. Irwin wished that Vithalbhai should refrain from making any statement about his differences with Crerar, and just say that he never intended to question his veracity. Vithalbhai does not appear to have accepted *in toto* the Irwin formula, and submitted to Irwin a fresh statement which he thought he must make in barest justice to himself. He said that it was impossible for him to say anything about the controversy with Crerar unless he was allowed to state the whole truth as he knew it, but added that he

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would leave the actual terms of the statement to the discretion of Irwin. The last letter which Vithalbhai wrote to Irwin in this matter we take the liberty of quoting as it is:

20 Akbar Road,
New Delhi, 20th February, 1930.

My Dear Lord Irwin,

I confess to a feeling of disappointment at the wholesale alterations you have made in my draft statement, and my disappointment is all the greater at the omission of my 'passing reference' to the two incidents, on which I have felt so very hurt, particularly as I had mentioned to you, at our last interview, that you should not object to my mentioning them in a general way.

As I had, however, given you full liberty to make any alteration you thought proper, I must keep my word and make no difficulty. I also recognise your anxiety and your difficulties throughout the matter, and I have therefore decided to accept the statement as you have drafted.

More when we meet personally.

Yours sincerely,
(Sd) V. J. Patel.

His Excellency Lord Irwin, P.C., G.M.S.I., G.M.I.E.,
'The Viceroy's House', New Delhi.

IRWIN'S LACONIC REPLY:

The Viceroy's House,
New Delhi,
20th February, 1930.

Dear Mr. Patel,

Thank you very much for your note which has just reached me. I am very grateful to you.

Yours sincerely,
(Sd) Irwin.

The Hon'ble Mr. V. J. Patel.

In the end, Vithalbhai made no statement at all, but contented himself with reading to the House on the 20th of February, 1930, the following communication, which was agreed upon

between them, from the Viceroy, and to say that the arrangement outlined in it was a fairly satisfactory solution of the difficulties which had worried him:

"I have a communication from His Excellency the Viceroy, which it is my duty to read to the House. It is as follows:

'Dear Mr. President,

After the discussions I have recently had with yourself, the Leader of the Opposition and leaders of other parties in the Assembly, I am in a position, on behalf of the Government, to communicate to you their proposals for the solution of the difficulty that has arisen, in the hope that these may prove the basis of a working agreement or convention on the matters lately in dispute.

I cannot doubt that you and all non-official members of the Assembly have only the same purpose in this matter as the Local Government and the Government of India, viz., to be satisfied that adequate protection is secured for the President and members of the Assembly while in discharge of their duty; and if agreement can be reached *upon the practical means* to secure this purpose, and the means adopted prove adequate for its attainment, discussion of general principles, *upon which agreement might be more difficult* need not arise.

I deal first with the question of the securing of protection in what are known as the inner precincts. In regard to this, Government would propose to depute to the service of the Assembly a senior police officer, *who would be responsible to the President* for regulating all matters relating to the protection of the Assembly within the inner precincts. For the purpose of his Assembly duty, this officer might be designated "the Watch and Ward Officer of the Assembly."

In any case in which the special experience of the deputed officer might lead him to think that the precautions approved by the President were inadequate, it should be open to him to consult his superior officer in the Police Department, and if such officer shares his opinion, *he should so report to the President*, who would forward the report with his observations to the Governor-General in Council in order that an opportunity should be afforded to the authorities concerned to confer with, and in the spirit of

this convention *to advise the President* upon the matter. In an immediate emergency, where such consultation was not possible or when the officer was unable to take the instructions of the President, the officer would be at liberty to take such action, in virtue of his powers as a police officer, as his knowledge of the emergency appeared to him to render necessary, and in such case *it would be assumed that he does so with the consent of the President.*

Government further recognises the general desire among members of the Assembly that the requisite *protection should be secured through an Assembly establishment*, and will be ready to co-operate in the early establishment of a staff of suitable quality for this purpose. *This staff would be part of the Assembly establishment, subject to the control of the President* exercised through the deputed officer, and could wear such uniform as the President on behalf of the Assembly might direct. Until the special staff referred to above can be brought into existence, Government will place at the service of the Assembly, and under the orders of the deputed officer, such police as may be required. Such police might, if so desired, be distinguished by the wearing of a special armlet at the discretion of the President.

Should this arrangement be acceptable to the Assembly, Government will arrange to depute a suitable officer, as suggested above, to be at your disposal forthwith for the purpose named, and I understand that you will then without delay take steps, in consultation with the Secretary of the Legislative Assembly and the deputed officer, to recruit the requisite permanent staff.

If, as I trust, these proposals commend themselves to you and the Assembly, I am able to say, on behalf of my Government that they would view the arrangement embodied in them as an adequate substitute for the system which has hitherto been in force.

As regards the outer precincts of the Assembly, the matter may be examined further, and, in the meanwhile, the Government of India will instruct the Local Government that all orders issued to the police within the outer precincts of the Assembly sector shall be framed *with the approval of the President* acting on the advice of the Local Government.

I greatly hope that, with goodwill on both sides, the arrangement that, on behalf of the Government of India, I have here outlined may furnish the means of resolving the unfortunate deadlock which has caused inconvenience to members of the House, and has been a matter, as I believe, of equal concern to the Government and the Chair."

Yours sincerely,
(Sd) Irwin.

"Hon'ble members are aware of the differences on this matter, which arose between Government and myself, and I hope that the arrangement outlined in His Excellency's letter will prove to be a satisfactory solution of them. Without entering into a discussion of the legal aspects of the question, Government have now proposed the establishment of a convention, which offers means of *resolving the immediate difficulty* with which we were concerned, and which, I trust, *provides a permanent working basis for the future*. On behalf of the House I accept the arrangement in the same spirit as that in which it has been put forward, and as the convention which will be established provides adequately for the exercise of authority by the Chair, I am glad to say that I shall always welcome, and be guided on matters affecting the security of this House by the considered advice, which the **authorities concerned** may tender to me.

"As the main question is now settled, I accordingly hereby direct that the galleries be re-opened on and from Monday, the 24th of February, 1930, and passes issued to visitors in the usual manner."

* * * *

And so the *amour propre* of both Vithalbhai and Crerar was satisfied by Irwin, as also of the officials and the leaders of the non-officials. But Arthur Moore was not satisfied. He said that Vithalbhai had accepted, on behalf of the House, something on which the House had not been consulted. He tried almost to make a scene, but as he was not raising any point of order, and simply trying 'to make observations on the statement made',

Vithalbhai ruled that he was not entitled to speak on that occasion and that, if he had a reasonable support in the House, he would always be entitled to put down a motion of 'no confidence' in the Chair. Moore was very excited, and he continued standing when Vithalbhai had risen to speak. He was told that he could not remain standing while the Chair was standing. In fact he was disobeying every rule of the House, and he was told that he was doing it. No Indian member had ever created such a scene in the House. Such scenes could be expected only under Parnellite obstruction in the British House of Commons. But the President of the Indian Assembly did not have such powers as the Speaker of the House of Commons has, with his Sergeant-at-Arms and an army of door-keepers and messengers. Vithalbhai said to him that, if he did not like the way in which the proceedings of the House were conducted, he was 'entitled to go out.' But Vithalbhai could not turn him out, as the Speaker of the House of Commons could, when he said: "I prefer to stay. I am a member of this House."

It is a coincidence that this incident took place in connection with the Watch and Ward arrangements which were then contemplated, establishing the urgent necessity of some such arrangements. We are sure that if Vithalbhai had continued in the Chair for another term of the Assembly, Vithalbhai would have used that incident for an attempt to approximate the Assembly to the British House of Commons.

Chapter Forty

BEHIND THE SCENE

ONE of the most significant achievements of Vithalbhai, during his occupation of the Presidential Chair of the Indian Legislative Assembly was the hold he came to have on Irwin and the success he attained in winning him over to his way of thinking on the Indian political problems. Vithalbhai's role in his high office was that of 'a link between the Government and the people, representing to the head of the administration in India and the authorities in England the people's point of view fairly and squarely without mincing matters.' This role he could play with conspicuous success only because he succeeded in building up really cordial personal relations with the Viceroy in spite of the fact that the Viceroy was surrounded by Crerar and Co., who lost no opportunity of impressing upon the Viceroy the necessity of constantly keeping before himself the official point of view.

Vithalbhai's task was made comparatively easy by the personal integrity of the Viceroy. Irwin impressed those with whom he came in contact by his apparent sincerity to meet, as far as possible, the legitimate aspirations of Indians, by his reputation as a religious-minded man, by the moral fervour which punctuated his public utterances and private audiences. His predecessor, Lord Reading, in spite of his many excellent qualities of the head had failed to reach the Indian heart. The Indian public could hardly be moved by the matter-of-fact spirit that dominates the mind of an average British politician. Mere knowledge of Indian history, even a real appreciation of Indian culture and philosophy or, for the matter of that, a Curzonian zeal, energy and enthusiasm for reforming the country and making its administrative machinery move efficiently could not go far, and were not enough to make a British politician a successful Viceroy of India. Irwin was endowed with several admirable quali-

ties of the heart, and could easily be persuaded by Indian leaders to view the Indian problem with sympathy and fairness, not so much from the standpoint of British prestige and propriety as from a wider angle of vision. It was generally accepted that while his predecessors had not been able to touch the Indian mind Irwin had proved himself to be eminently qualified to reach the Indian heart, lacerated though it was by a series of broken pledges and promises on the part of the rulers. Irwin attempted to base his policy on moral considerations, which, of course, was disliked and even detested by the officials and his countrymen of the steel-frame school. Irwin evinced an obvious earnestness in trying to fulfil British pledges to help India in attaining her legitimate aspirations. India has never been exacting in her attitude to other nations. She returns ten-fold, even hundred-fold, the love, friendship and generosity that may be shown towards her; and here, thought her unhappy people, was a man who could forge the bond of friendship between England and India, between a benevolent England and a self-respecting India, not an enslaving England and an enslaved India. Was Vithalbhai, were these trusting Indians, building their house of hope on shifting sands or on a sure foundation?

Since Irwin assumed the Viceroyalty of India, Vithalbhai enjoyed the privilege of numerous intimate talks with him on the question of India's future and her relations with Britain, such as perhaps no other Indian ever had either with Irwin or any other Viceroy.

Vithalbhai conveyed to the new Viceroy, in the most unmistakable terms, the view that (1) the biggest thing, at the time, in India was Gandhi; that he was 'a living force in Indian politics', 'the man in India with the largest following and the one man who was essentially fitted to lead a mass movement' and that (2) the Congress was the most representative institution in the country. Irwin was openly dubious about both these propositions. Vithalbhai knew his countrymen, and understood the tempo of Indian politics better and more profoundly than any of the so-called constitutional advisers of the Viceroy, who had their Chief's ears. It was not easy for Vithalbhai to bring the Viceroy round to his point of view, but Vithalbhai persisted

in the task which he had, with due deliberation, set before himself, the task of bringing Lord Irwin and Gandhiji together so that they two, between themselves, may shape the future relations between their respective countries and peoples.

How Vithalbhai, the arch-rebel and the arch-obstructionist of Indian politics, could play the role of a successful strategist and practically bring the Viceroy round to his views, has been an enigma to many. Those who knew him intimately, however, were not surprised. Vithalbhai was a born statesman. It was only the political current in the country which had hitherto swept him along and had given no scope for the flowering of the constructive genius that was in him. It lay dormant while he was a rebel against authority. The moment he ceased to be in active opposition to the Government of the day his talents found their field and began to bear fruit.

Vithalbhai was undoubtedly placed in a position of vantage for the role which he was now playing. His political associates had always appreciated and honoured his remarkable abilities. The respect in which they held him made it possible for him to undertake this delicate task which required great skill and uncommon political sagacity and dexterity. On the other hand, his opponents, too, were compelled to trust his *bona fides* and to respect the man, placed on such a high pedestal and yet untouched by the empty bauble of titles or similar considerations. He took to this new sphere of constructive statesmanship, as a duck takes to water. He did not have to feel his way or to grope in the dark. It was within him and for the first time in his public career here was an opportunity which offered itself to him which enabled him to display this hitherto unknown ability of his which he had in such a large measure. The realist that he was, he knew that the path was steep and thorny but that did not make him cry 'halt' or look back.

In 1927, Vithalbhai's home province of Gujarat went through the disaster of floods and the one idea that distressed him at the time was how to bring relief to the distressed and the destitute of that unbearable calamity. As soon as the Assembly Session came to an end, he rushed to 'his people', and started taking an active part in the great relief work organised by

Vallabhbhai. But this did not sidetrack his mind from the great task he had placed before himself of bringing the Viceroy and the Congress leaders together. He took up the thread which he had temporarily left at Simla. From Nadiad, the centre of relief operations, he carried on his work of arranging a meeting between the Viceroy and the representatives of the Congress. In the meanwhile political India had become extremely agitated over the announcement of the personnel of the Simon Commission, and all sorts of surmises and speculations had been in the air. Vithalbhai was particularly anxious at that time to establish personal contact between Irwin, on one side, and Gandhiji and his lieutenants, on the other, so that Irwin might be able to persuade the British Cabinet to respect the sentiments of the Congress, the accredited representative body of the people of India. On the 27th September, 1927, he asked Irwin whether he would take the initiative in that direction. The immediate reply was halting and half-hearted. But things moved rather more rapidly than Irwin had anticipated, and on the 13th of October, he wrote to Vithalbhai a letter in which he said that he would be grateful if he would ascertain from Gandhiji and Ansari whether there was any possibility of rapprochement between the Congress and the Government. Ansari was the President-elect of the next session of the Congress and in spite of the delicacy of his position Vithalbhai succeeded in fixing an interview between Irwin and Ansari. He also placed himself in communication with Mahatmaji, who was then on a tour in South India, and urged upon him the absolute and immediate necessity of meeting the Viceroy 'for the good of our country.' Gandhiji, as was his wont, was in the beginning in no way hopeful of being able to render any useful service through diplomatic channels, but on second thoughts expressed his willingness, in certain circumstances, to cancel his proposed visit to Ceylon and go north to meet the Viceroy. At Vithalbhai's unremitting persuasion he yielded also on the point of the conditions on which he could do so, and Vithalbhai's main task was accomplished — a meeting was arranged between the representatives of Imperial England and poverty-stricken India. No mean achievement, that! Unfortunately, as has been noticed earlier in this book,

the meeting bore no fruit. The representatives of India went back empty-handed. The wholesome advice tendered by Vithalbhai appeared to have fallen on deaf ears, and failed to bring about the desired result until the commencement of the movement for the boycott of the Simon Commission. The country-wide agitation led by the Congress and actively supported by all the political parties in the country, however, created a deep impression on the mind of Irwin. He was definitely stunned by the outburst of resentment and the angry protests all over the country against the all-white Commission. He felt distressed and was at his wits' end. He was convinced that the policy of Birkenhead was tantamount to the breaking of specific pledges solemnly given by British politicians and the Parliament: this brought about a definite hardening of hearts in India, and reports of the actual state of things in India had to be conveyed to the India Office. Irwin realised, probably for the first time, that his absolute reliance on his official advisers was ill-advised. Before the actual announcement of the Simon Commission, Sir Mahomed Habibullah and Vithalbhai had been the only persons who had warned him against that short sighted and ill-conceived policy. Irwin himself had not till then acquired such intimate knowledge of Indian politics as he acquired later, and Vithalbhai's relations with him had not become so intimate as to enable him to have a grip on his mind.

As a result of the consistent and persistent efforts of Vithalbhai, Irwin now began to realise that his acquiescence in the all-white Commission was a serious political blunder. He seriously applied his mind to finding a way out of this well-nigh impossible situation. It was undoubtedly an extremely difficult situation. About this time the relations between Irwin and Birkenhead had ceased to be quite cordial; in fact, they were positively strained, and Irwin could scarcely expect the co-operation of the Secretary of State in his various attempts to evolve some alternative proposals to bridge the gulf that was growing so rapidly between the Government and the people of India. Baldwin and Irwin, however, were friends, and very warm friends; this encouraging feature enabled Irwin to look for help from higher quarters for solving the tangled situation. Vithalbhai was largely instrumental

in persuading Irwin to go to England to acquaint the British Government with the situation in India, the gravity of which was never known to the British public. In fact, the British public had never realised how intense the opposition was to the proposed settlement of the Indian constitutional problem by a non-descript Parliamentary Commission.

On the 25th of May, 1929, when Irwin was about to leave for England to find a way out of the impasse, Vithalbhai took one more opportunity to impress upon him, in a long talk, that it was desirable for him to ascertain personally from Gandhiji and Pandit Motilal Nehru what sort of declaration would satisfy the Congress. Unfortunately under the influence of the Moderates, Irwin then believed that what he had gathered from those Moderates was quite enough to enable him to gauge the mind of the Congress leaders. Although in the earlier stages, Irwin was not prepared to submit any definite representations to the British Cabinet unless he was assured of a reasonable support from an appreciable section of the Congress, ultimately he came round to the view of Vithalbhai that a Round Table Conference was the only way out of the impasse.

It was Vithalbhai who took the initiative in impressing upon Irwin the need of calling a Round Table Conference such as was adumbrated in the National Demand of 1924. The idea of a Round Table Conference received wide and warm support in widely different quarters. Irwin showed his willingness to pursue the idea, provided he was assured of the support of most of the responsible leaders, particularly of the more constitutionally-minded section of the Congress. He opened conversations with Sapru and Jinnah on one side, and with Motilal and Gandhi on the other. Vithalbhai acted as the intermediary. Irwin had with him a full memorandum of the Congress proposals and an assurance of Congress support.

The letters which Vithalbhai wrote to Irwin and the replies he received, while Irwin was in England, give a clear idea of how Vithalbhai was constantly impressing upon Irwin the necessity of taking the Congress leaders into his confidence. Here are two of these letters of Vithalbhai and Irwin's replies to them:

VITHALBHAI PATEL

VITHALBHAI'S LETTER TO IRWIN:

Holcombe,
Simla, 5th July, 1929.

My Dear Lord Irwin,

I hope this finds you and Her Excellency comfortably settled in 88, Eaton Square.

As regards your great mission, you are fully aware of my views, and I should like to emphasise what I told you when we last met that if by any formula the British Government make it worth the while of the Congress leaders to agree to take part in a Round Table Conference in London; half the battle is won. My only apprehension is that you are not in full possession of the exact views of the Congress leaders in this respect, and there is, therefore, the danger of the formula not being acceptable to them. I wish you had seen them before you left or it was possible for me to accompany you.

Do remember me to your good old father and your sister and tell them how troublesome, sometimes, but how very good I have been to you on the whole.

Always at your service,

Yours sincerely,
(Sd) V. J. Patel.

His Excellency Lord Irwin, P.C., G.M.S.I., G.M.I.E.,
88, Eaton Square, S.W. 1., London.

IRWIN'S REPLY:

88, Eaton Square, S.W. 1.
18th July, 1929.

Dear Mr. Patel,

Thank you very much for your letter. Lady Irwin and I had quite a good voyage, although rather rough as far as Aden, and rather hot after that.

You may rely on me to do my best to find a way of peace out of our present difficulties, and I hope that you, on your side,

will use whatever influence you have, if anything is done at this end, *to get the Congress leaders to meet it half-way.*

I spent two days with my father at the beginning of the week, and found him wonderfully well. It was a great pleasure to see him again.

V. sincerely,
(Sd) Irwin.

VITHALBHAI'S LETTER TO IRWIN:

Holcombe,
Simla, 12th July 1929.

My Dear Lord Irwin,

I am writing this because when you left Simla you were good enough to tell me that if there was anything that in the prosecution of your mission you, in my opinion, ought to know, I should not hesitate to communicate with you.

Since your departure speculations are rife as to what you might or might not do in London, and it has been freely mentioned that you have, supplied to you by individual leaders of one or two parties in the Assembly, their respective statements of conditions which in their opinion would be regarded as a sufficient gesture on the part of the British Government to enable the representatives of the people of India to consent to take part in a Round Table Conference. These statements, I am further told, are in the nature of a draft declaration to be made by the British Government. In this connection, I cannot help regretting that it was not possible for you before you left to have a heart-to-heart talk with the leaders of the party that really matters, that is the only party which is in a position to deliver the goods to any appreciable extent — I mean the Congress Party in the Assembly and the country. If you knew what happened ten years ago, I am sure you would agree with me that every endeavour should be made on this occasion to secure the co-operation of those Congress leaders who believe in the British connection, and I know there are yet a very large number of them. For this purpose, it is very necessary that the British

V I T H A L B H A I P A T E L

Government should take one or two of them into their confidence, say Mahatma Gandhi or Pandit Motilal Nehru or both, and have their previous consent to the terms of the proposed announcement, and I hope they would not permit considerations of prestige to stand in the way of their doing the right thing at the right moment.

If you will read the pamphlet enclosed herewith, you will be in a position to understand the attitude of the Congress in 1919 and realise what a great mistake the British Government had made on that occasion in adopting the policy of *rallying the Moderates and ignoring the Congress*. Ten years ago, as the Leader of the Congress Deputation in England, I was in a position to assure the Joint Select Committee that no one in India desired separation from Britain. Today, on the other hand, there is a party in the Congress itself advocating independence. As one in the thick of the fight then, I know that Mr. Montagu took into his confidence liberal politicians of India and relied upon their support to his scheme treating the Congress leaders as irreconcilable with the result that India has not yet settled down to constructive work and the party of separatists has grown up in our midst. I only hope that the mistake of 1919 will not be repeated on this occasion. I have already assured you that my services are at your disposal in this matter.

Yours sincerely,
(Sd) V. J. Patel.

His Excellency Lord Irwin, P.C., G.M.S.I., G.M.I.E.,
88, Eaton Square, S.W., London.

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IRWIN'S REPLY:

88, Eaton Square, S.W. 1.
26th July, 1929.

Dear Mr. Patel,

Thank you for your letter of the 12th July, and for writing frankly, as well as for sending me the pamphlet, which you enclosed.

I should very much have liked, had it been possible, to have been able to have some frank conversation of the kind you

mention, but you will recollect I explained to you the reasons, before I left, that appeared to make it at that stage impossible.

Meanwhile you can rest assured that in anything that I may say to people here I am not likely to under-estimate the importance of doing anything that is possible to make it easier *for all sections of opinion to come together* towards greater agreement than we have, unfortunately, been able to reach during the last year or two.

Yours sincerely,
(Sd) Irwin.

Irwin's mission was considerably facilitated by change in the British Government with the coming of the Labour Party into office. It was this circumstance which made it possible for Irwin to make his famous declaration. An advance copy of it was sent to Vithalbhai by Irwin. Irwin returned from England on or about the 31st of October, 1929. On that day he made the following announcement:

"Sir John Simon's Commission, which is supported by the Indian Central Committee, is at work on its Report, and until the Report is presented it is impossible and improper to forecast the nature of the constitutional changes that may subsequently be proposed. But His Majesty's Government are greatly concerned to find means by which the broad question of British Indian constitutional advance may be approached in co-operation *with all* who can speak authoritatively for British Indian opinion. Recently a new point has emerged, for, in correspondence with the Prime Minister, which I understand is being published in England simultaneously with this statement, Sir John Simon has represented that, in considering the direction which the constitutional development of India may take, it is essential for his Commission to examine the future relationship of the States with British India, and has also suggested that, after the Commission has reported on this wider basis and the report has been considered by Government but, before the stage of a Joint Parliamentary Committee is reached, *a conference should be set up* in which His Majesty's Government should meet representatives, both of British India and the States, to seek the greatest

possible measure of agreement on the proposals, later, to be submitted to Parliament. His Majesty's Government agree as to the importance of thus bringing the relations of the States and British India under review, since they regard the adjustment of these relations as essential for the fulfilment of what they consider to be the underlying purpose of British policy. This purpose was defined in the Declaration of 1917 and is indicated in the Governor-General's Instrument of Instructions, and I am authorised to say that in the judgment of His Majesty's Government *it is implicit in the Declaration of 1917 that the natural issue of India's constitutional progress as there contemplated is the attainment of Dominion Status.* In the full realisation of this policy the States must ultimately have their place, and meanwhile it is important that no action should be taken inconsistent with the attainment of the ultimate purpose held in view by those who look forward to the unity of all India, and His Majesty's Government accordingly propose to adopt the procedure *suggested by the Statutory Commission* and to invite representatives of different interests in British India and of the Indian States to meet them, separately or together as circumstances may demand, in regard both to British India and all India problems. They hope thus to be able to submit eventually to Parliament proposals commanding a wide measure of general assent."

Gandhiji and Motilalji read this declaration only in the Press. Irwin appeared not to have taken them into confidence. By not paying due attention to Motilalji, who was, then, the President of the Congress and the Leader of the Swaraj Party in the Legislative Assembly, Lord Irwin appeared to some to have committed a mistake, maybe a minor mistake, and yet a serious one in consequence. In effect, Irwin offended the pride and prestige of Pandit Motilal in not showing due regard to him by way of a consultation with him before the announcement was made public property. It is, of course, hard to believe that so great a man as Pandit Motilal had become a victim of wounded vanity. All the same, it has always remained a matter of speculation whether the receipt of some kind of personal message from Irwin prior to his landing, such as he had sent to Vithalbhai would not have made a considerable difference in the course of

Motilalji's conduct and, to that extent, in the subsequent development of the situation.

A widely representative group of politicians including Gandhiji and members of the Congress Working Committee, on the one hand, and Jinnah and Malaviyaji, on the other, met at Delhi early in November to consider the Viceroy's declaration.

The Congress leaders in general, and Gandhiji in particular, were impressed by the change of outlook envisaged in the declaration and were in a mood to welcome it, provided the British Government could be willing to show concrete proofs of a real change of heart. They wanted the release of all political prisoners, and insisted on proper and just attention to the claims and desires of the Indian people in respect of the day-to-day administration. The Liberals and the other Nationalists, who were present on the occasion, fully appreciated the necessity of a change in the political atmosphere of the country. A suitable answer to the Viceroy was drafted. A joint manifesto was issued the next day, welcoming on the whole, 'the desire of the British Government to placate Indian opinion.' The following is the text of the manifesto, which, as Sapru said in his letter to Vithalbhaji of the 11th of November, 1929, 'represents a compromise between different views for which we are in particular indebted to you and Pandit Malaviya.'

LEADER'S MANIFESTO

"We, the undersigned, have read with careful consideration the Viceregal pronouncement on the question of India's future status among the nations of the world. We appreciate the sincerity underlying the declaration, as also the desire of the British Government to placate Indian opinion. We hope to be able to tender our co-operation to His Majesty's Government in their effort to evolve a scheme of Dominion Constitution suitable for India's needs. But we deem it necessary that certain acts should be done and certain points cleared so as to inspire trust and ensure the co-operation of the principal political organisations in the country.

We consider it vital for the success of the proposed conference that:

- * (A) A policy of general conciliation should be definitely adopted to induce a calmer atmosphere;
- (B) Political prisoners should be granted a general amnesty; and
- (C) The representation of progressive political organisations should be effectively secured and that the Indian National Congress as the largest among them, should have predominant representation.

Some doubt has been expressed about the interpretation of the paragraph in the statement made by the Viceroy on behalf of His Majesty's Government regarding Dominion Status. We understand, however, that the conference is to meet *not to discuss when Dominion Status is to be established, but to frame a scheme of dominion constitution for India*. We hope that we are not mistaken in thus interpreting the import and implications of the weighty pronouncement of H.E. the Viceroy.

Until the new constitution comes into existence we think it necessary that a more liberal spirit should be infused in the Government of the country, that the relations of the Executive and the Legislatures should be brought in more harmony with the object of the proposed Conference and that greater regard should be paid to constitutional methods and practices. We hold it to be absolutely essential that the public should be made to feel that the new constitution is to be a register of that fact.

Lastly we deem it as an essential factor for the success of the Conference that it should be convened as expeditiously as possible."

* * * *

Did the Viceregal statement and the leaders' manifesto reveal the first streaks of a new dawn in Indian politics? Did they finally shut the door on a long era of mutual suspicion and distrust? Did they beacon the British Government and Indian leaders to a new awakening of their duties and responsibilities? Did they make for re-orientation of Indo-British relations?

The answers to these questions were forthcoming, not in India, but in the Parliament in England. The debates in the

House of Lords were provocative in tone, and irritating in effect. The Lords in fact saw in the statement the killing of the goose that laid the golden eggs for England for nearly two hundred years. The Commons were not so aggressive, but the figure that the Labour Secretary of State for India cut during the debate was not at all heartening to India nor creditable to England. He was apologetic. He appeared Janus-faced and, in his anxiety to pacify John Bull, was obliged to play the role of a trickster. While he made out to Indians that they were seeing an oasis in the desert of India, he assured his countrymen that it was in reality only a mirage, and thus attempted to allay their fears. The debates in the Commons and in the Lords and the unfortunate speech of Lord Russel, in particular, brought on a depressing atmosphere in the Indian body politic.

All this rubbed the leaders, specially, the leaders of the Congress, the wrong way about, so much so that Vithalbhai had to enlist the sympathy and tact of Sapru for the purpose of avoiding a disaster, and the following correspondence took place between them:

VITHALBHAI'S LETTER TO SAPRU

Sardar Griha,
Bombay, 8th November 1929.

Dear Sir Tej Bahadur,

The task of a peace-maker is always full of difficulties and he gets kicks from both sides. The debate in the House of Lords has made our task somewhat more difficult. The debate in the House of Commons, however, is somewhat more encouraging.

I understand the Working Committee of the Congress meets at Allahabad on the 16th, and it is necessary for us to see that the Committee does not undo the good work so far done. In any case, you will impress upon the members to have a meeting of all the signatories to the Delhi manifesto convened before the Working Committee takes any final decision. Such a meeting of the signatories can be called in Delhi in the first or second week of December, and till then the Working Committee should not

VITHALBHAI PATEL

take any decision if they at all care for the co-operation of those who have signed the manifesto. I think it is only due to them that they should be consulted in the matter. I hope, therefore, you will use all your influence in that direction and do the needful. I shall be staying here for about a week, and if there is anything which you would like me to do, please write to me immediately. I have no doubt that you will treat this letter as entirely confidential.

Yours sincerely,
(Sd) V. J. Patel.

SAPRU'S REPLY TO VITHALBHAI

19, Albert Road,
Allahabad,
11th November, 1929.

My Dear Patel,

Thank you for your letter of the 8th instant. I agree with you that the task of a peace-maker is always full of difficulties, and he gets kicks from both sides. I have received such kicks from Sir Chimanlal Seetalvad (Setalvad) and Sir Sivaswamy Aiyer. I understand from Sastri that there is much perturbation over our statement in the Viceregal Lodge. I have written a short letter to the Viceroy suggesting that he should call Pandit Motilal Nehru for an interview, as in my opinion a personal exchange of views might ease the situation and create a more favourable atmosphere. I have further urged on him the adoption of a conciliatory policy all round. I have told him that *the statement issued by us from Delhi represents a compromise between views for which we are in particular indebted to you and Pandit Malaviya*. This is the substance of my letter to the Viceroy.

Pandit Motilal Nehru came to me last night and I went to him this morning. Last night's conversation left the impression on my mind that *the Congress people were intending to go back on their acceptance at their meeting of the Working Committee on the 16th of November*. This morning I discussed the thing

with him again at great length and pointed out to him the inadvisability of such a course and its repercussions in the country. I said that the enemies of the Indian progress would very much like that the chances of the conference coming about in London and being attended by the Congressmen should be spoiled and they (the enemies) would welcome a decision by the Congress to withhold themselves from the conference. He said to me in reply that what they intended to say at the meeting of the 16th of November was *that they would go to the Round Table Conference only if their conditions were fulfilled*. I begged of him to postpone such a decision and then suggested to him that he might see the Viceroy. He agreed to go if summoned. I further pointed out to him that by taking the threatened decision he would make the task of those of us who were willing to work for the fulfilment of what I call *expectations* and they call *conditions* extremely difficult. I thought when I left him that he was to some extent impressed by my earnest pleading. It remains to be seen which way the Congress people jump on the 16th of November. Pandit Motilal Nehru suggested to me that I should meet the Mahatma on the morning of the 16th of November. I have agreed. I thank you very much for the suggestion that a meeting of the signatories should be called in Delhi in the first or the second week of December to enquire if the Congress people desire to take any further action. When I meet Mr. Gandhi and Pandit Motilal Nehru next, I shall put it to them. You may depend upon my support and co-operation. I am most anxious that if we can avoid a split and take the Congress people with us to the conference we should do so. It is only when this becomes patently impossible that I shall go my own way and they theirs. For this attitude of mine I am being condemned by some leaders of my own party, though I have no doubt that I have the support of the vast majority of Liberals elsewhere. If you have anything to suggest, do please drop me a line, and do please drop the word 'Sir' in your private letters against my name.

With all kind regards.

Yours sincerely,
(Sd) T. B. Sapru.

VITHALBHAI PATEL

To

The Hon'ble V. J. Patel,
President of the Legislative Assembly,
Sardar Griha, Bombay.

VITHALBHAI TO SAPRU

Sardar Griha,
Bombay, 13th November, 1929.

My Dear Sapru,

Many thanks for your letter of the 11th instant. I agree with you that we must make every endeavour to get the co-operation of the Congress, and it is obvious that if the Congress keeps out the position of the non-Congressmen in the country would become extremely delicate and difficult, and the country would not settle down to any constructive work. I am equally clear that His Majesty's Government would not be prepared to meet the demands of the Liberal leaders at the Conference in a generous spirit unless they had the assurance that the Congress leaders would agree to work the new Constitution. To my mind a conference without the co-operation of the Congress is unthinkable, and I am not sure whether (that) it will be wise for other leaders to agree to join the Conference in the absence of the Congress leaders. In any case, we must continue our efforts to put pressure on the Viceroy on the one hand and the Congress leaders on the other to come together.

I have already written to Pandit Motilal Nehru requesting him to keep the question open on the 16th and suggesting a meeting of the signatories to the Delhi manifesto at an early date. *My brother Vallabhbhai has similarly written to Mahatma Gandhi.*

I am seeing H. E. on the 17th morning at 11-30. I should like to know if you have any suggestions to make to him. If you will reply to this letter on the day on which you receive it, I shall get your letter in time to enable me to make use of it.

Yours sincerely,
(Sd) V. J. Patel.

To

Sir Tej Bahadur Sapru, K.C.S.I.,
19, Albert Road, Allahabad.

VITHALBHAI TO SAPRU ONCE MORE

Sardar Griha,
Bombay, 14th November, 1929.

My Dear Sapru,

I am sending you a copy of a letter which I have written to Pandit Motilal Nehru for your information. I hope you will agree with me that more time is needed from every point of view before the final step is taken, and I have no doubt you will use your influence in that direction.

Yours sincerely,
(Sd.) V. J. Patel.

Sir Tej Bahadur Sapru, K.C.S.I.,
19, Albert Road, Allahabad.

VITHALBHAI'S LETTER TO MOTILALJI

Sardar Griha,
Bombay, 14th of November 1929.

My dear Panditji,

I have received your telegram, for which many thanks. I feel that the notice for All-India leaders to meet is too short. In any case, I consider it absolutely essential that both you and Mahatma should meet the Viceroy and discuss the whole matter with him before the meeting of all the signatories to the Delhi manifesto takes place. In my opinion, to precipitate matters at this juncture is not only impolitic but disastrous. I would therefore earnestly beg of you to adjourn the signatories' meeting till the first or second week of December; (and) in the meantime it is possible that a way could be found for a meeting between you and Mahatma on the one hand and the Viceroy on the other. Even if the meeting does not come about, nothing is to be lost

VITHALBHAI PATEL

by taking time, and perhaps the situation will become clear. I have sent a copy of this letter to Dr. Sapru.

Yours sincerely,
(Sd.) V. J. Patel.

Pandit Motilal Nehru,
Anand Bhavan, Allahabad.

Vithalbhai had sent a telegram to Motilalji, more or less in the same terms. Motilalji's response was disappointing. Here is the text of Motilalji's reply to the telegram from Vithalbhai:

'Vithalbhai Patel Sardargriha Bombay
your telegram phoned from Allahabad please read Gandhiji's telegram of yesterday to Sarojini from Kalakankar impossible meet Viceroy as suggested by her no question of precipitate action or misunderstanding Congress reply to Viceroy's statement and Parliamentary debates long overdue most signatories have agreed and are coming Allahabad eighteenth no action will be taken without full deliberation with them please come inform Vallabhbhai returning Allahabad tonight
Motilal Nehru'

As Motilalji's reply showed that the meeting could not be postponed, Vithalbhai, who had already conferred with his brother and convinced him that to precipitate matters at that juncture was disastrous, addressed the following telegram to Vallabhbhai, who had gone to Allahabad to attend the meeting, so that the leaders assembled there could definitely know his views in the matter.

"Trust Congress leaders will not regard statements in Parliament as sufficient basis for rejecting Viceregal offer *Stop* In view of constitutional limitations and other difficulties of Majesty's Government these statements need not be taken too literally or seriously *Stop* In spite of what has been said in Parliament Viceregal announcement which does foreshadow radical change in existing policy in so far as it commits Majesty's Government to formulate and submit to Parliament such final

proposals as command wide measure of general assent ascertained at the Conference stands unchallenged *Stop* I have reasons to believe that this new policy will be basis for revised Constitution in order that co-operation of political parties in India so essential for its harmonious working could be ensured. *Stop* Questions of Amnesty, of expediting date of Conference, and of its composition can be fully and frankly discussed with His Excellency *Stop* In this view to precipitate matters at this juncture is disastrous least I expect leaders to do is to wait and watch further developments.'

As the situation is very complicated, and as there has been some misunderstanding about the affair as it developed, we take the liberty of giving below *most* of the relevant correspondence, at least, such of it as will throw clear light on it:

VITHALBHAI TO SAPRU

Sardar Griha,

Bombay, 19th of November 1929.

My dear Sir Tej Bahadur,

I congratulate you on the result of your labours at Allahabad. Perhaps you are aware that I had sent my brother with full instructions and also a long telegram which you must have seen. My brother writes to say that the telegram had materially influenced Mr. Gandhi's judgment. I did not go to Allahabad, because I had already made an appointment with His Excellency to meet him on the 17th in Bombay. I had a long and, I think, a very satisfactory interview, *and the telegram was despatched after that interview*. So far we have managed successfully, but I have grave misgivings about the attitude that the Congress might take. It is, therefore, our duty to continue to put pressure on the Viceroy on the one hand and on the Congress leaders on the other as best (as) we can. I think the Viceroy must say or do something before the Congress (session?), which might be regarded as a sufficient justification for the leaders to stay their hands. I shall be seeing Gandhi on the 25th at Ahmedabad and propose to reach Delhi on the 1st of December. If you agree, Motilal, yourself and myself might meet one day in the first

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week of December. I am leaving for Nadiad tomorrow. Any letter addressed to me there will reach me.

Yours sincerely,
(Sd.) V. J. Patel.

Sir Tej Bahadur Sapru, K.C.S.I.,
19, Albert Road, Allahabad.

SAPRU TO VITHALBHAI

19 Albert Road, Allahabad.
24th of November 1929.

My dear Patel,

Thanks for your letter of the 19th inst. I had a long interview with Mahatma Gandhi and also with your brother. Your telegram was shown to me by your brother. It came at a very opportune moment and was very encouraging. Your suggestion was precisely the suggestion which I made independently to the Mahatma at the Conference; in other words, I suggested to him that he must see the Viceroy and expressed the hope that *you could* possibly induce the Viceroy to call Mr. Gandhi. If Mr. Gandhi goes to him and comes back satisfied as to his attitude, it is possible that the decision of the Congress may not be as bad as some of us anticipate it to be. I was sorry that *Pandit Motilal Nehru was not able to see the Viceroy although he extended his invitation to him through you*. I shall again be writing a letter to the Viceroy urging it on him to do something. I have already spoken on the question of prisoners, etc. to two very high placed officials.

You have no doubt heard everything about the Conference here from your brother and others; so I am not writing anything. I shall be glad to come to Delhi to discuss the situation with you and Pandit Motilal Nehru in the first week of December on a Saturday or a Sunday. Please send me a telegram. I am sending this letter to Nadiad, and I hope it may be redirected to you from there.

Yours sincerely,
(Sd.) T. B. Sapru.

BEHIND THE SCENE

VITHALBHAI TO MOTILALJI

20, Akbar Road,
New Delhi, 2nd December, 1929.

My Dear Panditji,

I have returned to Delhi and am now attending to my normal business of the Assembly preparatory to its meeting in January. I and Mr. Jinnah met Mahatmaji at the Sabarmati Ashram and had a long conversation. I hope Mahatmaji has already written to you the result of our conversation, and I have no doubt that you will agree to meet the Viceroy along with Mahatmaji, Sapru, Jinnah and myself before the 23rd of December. I propose to write to the Viceroy as soon as I hear from you. It is also necessary that before we see the Viceroy we should meet and discuss the whole matter amongst ourselves, and for that purpose we should all be in Delhi on the 22nd December. I am confident that the interview with the Viceroy will clear up many points, and you and Mahatmaji will be able to give the right lead to the Congress in the light of our interview with the Viceroy.

I wonder if it is possible for you to be in Delhi next Saturday or Sunday along with Sir Tej Bahadur. We three might meet together and talk the matter over. I am writing to Sir Tej Bahadur about it separately.

Yours sincerely,
(Sd.) V. J. Patel.

Pandit Motilal Nehru, M.L.A.
Anand Bhawan, Allahabad.

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VITHALBHAI TO IRWIN

20, Akbar Road,
New Delhi, 2nd December 1929.

My dear Lord Irwin,

I have returned to the headquarters today and am now attending to the work connected with Resolutions, Questions, Bills and other miscellaneous matters for the ensuing session.

Since your famous announcement a month ago, I have devoted myself whole-heartedly and exclusively to the task of explaining its full implications and interpreting the spirit and

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intention underlying it to my Congress friends lest they might reject it in haste and without full consideration and due deliberation. I am glad to be able to say that so far I have achieved a considerable measure of success in that direction. The telegram that I had sent from Bombay and the presence of my brother with full instructions from me were quite opportune, and, I am told, mainly responsible for the Allahabad decision which confirmed the Delhi manifesto. I enclose herewith a copy of the telegram *revised according to your suggestion* and Sir Tej Bahadur Sapru's letter to me for your information.

I should like to repeat what I have so often made clear that the acceptance of the announcement by other political parties in the country means very little if the Congress Party is not reconciled to it. If the Congress at Lahore commits itself to the goal of independence and declines to participate in the proposed Round Table Conference, it would, in my opinion, be a bad day both for England and India. It is, therefore, essential that every endeavour should be made to prevent the Congress from doing so. I have also made it clear to you that the only person who is *yet* in a position to save the situation is Mahatma Gandhi, and I must impress upon you once again to do all that lies in your power to strengthen his hands and satisfy him. In my interview with you in Bombay I had told you that you should, before the Congress meets at Lahore, say or do something which could be regarded as a sufficient justification by Mahatmaji and his colleagues to ask the Congress to stay its hands.

I and Mr. Jinnah had a long conversation with Mahatmaji on last Saturday at the Sabarmati Ashram, and as Mr. Jinnah is going to write to you at some length on the subject I will not say anything about it in this letter beyond expressing a hope that you will realise that the difficulties of Mahatmaji and his co-workers at Lahore are tremendous, and if they insist on certain conditions, they do so, not in a spirit of bargaining but with a view to enable them to take the Congress with them.

Yours sincerely,
(Sd.) V. J. Patel.

His Excellency Lord Irwin, P.C., G.M.S.I., G.M.I.E.,
Viceroy's Camp.

BEHIND THE SCENE

SAPRU TO VITHALBHAI

19, Albert Road, Allahabad.
5th December, 1929.

My dear Patel,

I am much obliged to you for your letter of the 2nd instant which I received this morning. Simultaneously I also received a letter from Jinnah. He wants me to be at Delhi on the 23rd of December so that you, he, Mr. Gandhi, Pandit Motilal Nehru and myself may go and see the Viceroy. I am writing to him to say that I shall gladly be there on the morning of the 23rd of December, but I cannot be there on the 22nd of December as I am fixed up in Lucknow. From Delhi I shall go straight to Madras to attend the Liberal Federation. You ask me whether I can come and see you next Saturday or Sunday. I wish I could come, but my son who has been ill for the last three and half months is being treated at Lucknow where I have taken a House and practically the whole of my family is there and every Saturday morning I go there to see him. I am very much worried on his account. I shall, therefore, not be able to come to you either on Saturday or Sunday next, but probably I shall come to Delhi sometime next week. Panditji is not here. He is busy arguing a case at Lucknow. He may be coming here in a day or two. I am afraid the situation is far from hopeful. The proceedings at Nagpur are very ominous and I shall not be surprized if what has happened at Nagpur also happens in Lahore, in a much more aggravated form. I have heard from friends from England — men on whom I can absolutely depend — and they all assure me that Mr. Wedgood Benn is a firm and honest man with very noble intentions and progressive ideas. They all tell me that it would (be) a great pity if we did anything which made his task difficult or enabled our critics to say to the Government there that it was no use calling a Round Table Conference. I am sincerely hoping that your influence may tell. I am afraid that so far as I am concerned I cannot influence the course of decisions in the Congress, though at the same time I was very gratified with the attitude of Mahatma Gandhi and some other friends at the last Conference. You

V I T H A L B H A I P A T E L

may take it from me that I shall do the best that I can to come up there next week.

Yours sincerely,
(Sd.) T. B. Sapru.

To,

The Hon'ble V. J. Patel,
President of the Legislative Assembly,
20, Akbar Road, New Delhi.

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EXTRACTS FROM MOTILALJI'S LETTER TO VITHALBHAI

Hotel Metropole, Agra.
9-12-29.

My dear Vithalbhai,

You are probably not aware that I have already promised to see the Viceroy on the 23rd. *This was through Sapru.* The Viceroy wanted to see me on the 15th of November, but I was busy with my Lucknow case and could not go. The 23rd was therefore fixed. The idea was to discuss the Congress point of view with the Viceroy, with Congressmen alone. Gandhi was to join me if possible. Even Sapru who brought about this arrangement was not to be present. I can understand this. But I cannot understand your proposal to form a heterogeneous deputation to meet the Viceroy. The members of the deputation at least should be of one mind. Do you expect Jinnah, Sapru, Gandhi, myself and yourself to be of one mind when we meet the Viceroy? I know you suggest a preliminary meeting of these people in the hope that they will be of one mind before they meet the Viceroy. This is an impossibility. With the Wilsonian attitude of Mr. Jinnah who insists on the 14 points of the Delhi Conference, with his want of faith even in Dominion Status and willingness to accept anything that comes his way provided it is an improvement on the existing conditions, do you expect Gandhi and myself who are willing to concede Dominion Status merely for the sake of peace in the country

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to be of the same mind with Mr. Jinnah? *I expect no results from our (Gandhi's and mine) interview* but I have to redeem my promise.

I have given you an indication of how I feel in the matter and will see you when I am passing Delhi on my way to Lahore. *At present all roads lead to Lahore.* What will happen thereafter it is impossible to say.

Yours sincerely,
(Sd.) Motilal Nehru.

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VITHALBHAI TO JINNAH

20, Akbar Road,
New Delhi, 10th December, 1929.

My dear Jinnah,

I have received Mahatmaji's letter from Wardha in which he says that Motilalji wires to him that he has already received and also accepted invitation from the Viceroy to meet him on the 23rd. Gandhiji further says that it was under the circumstances unnecessary for us to move any further in the matter. He has given his reasons for this view in his letter a copy of which I enclose herewith to avoid any misunderstanding.

I still think that our plan was much better. In any case, I cannot admire the wisdom of Lord Irwin in inviting Motilalji without simultaneously inviting Gandhiji. I only hope the meeting will bring the Congress and the Government nearer.

Yours sincerely,
(Sd.) V. J. Patel.

Mahomed Ali Jinnah, Esqr.,
Mount Pleasant Road, Malabar Hill, Bombay.

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VITHALBHAI TO IRWIN

20, Akbar Road,
New Delhi, 11th December, 1929.

My dear Lord Irwin,

As I am anxious that I should not be misunderstood, I

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write this to Your Excellency on a matter on which I feel my silence might cause some misunderstanding.

You are already aware that I and Mr. Jinnah had a long talk with Gandhi on the 30th of November last at the Sabarmati Ashram. That meeting was brought about by me at the desire of Mr. Jinnah. It was settled at the meeting that Gandhi, Motilal, Sapru, Jinnah and myself should meet you at the Viceregal Lodge, Delhi, on the 23rd of December, that Gandhi should write to Motilal to agree to the arrangement and on hearing from Gandhi that Motilal had so agreed, I should address a letter requesting Your Excellency to send out formal invitations to all of us.

Gandhi now writes to me that he has received a telegram from Motilal in reply to this letter that he (Motilal) has already received and accepted an invitation from Your Excellency to meet you on the 23rd of December and that the idea is to discuss the Congress point of view with Your Excellency with *Congressmen alone*. In these circumstances, Gandhi adds that it was wholly unnecessary for me to move in the matter. On receipt of this letter, I at once sent a copy of it to Mr. Jinnah and informed him that the arrangement had fallen through.

I cannot help feeling that the plan we had arranged at the Sabarmati Ashram would have been more effective and in any case, I wish you had invited Gandhi simultaneously with Motilal.

Yours sincerely,
(Sd.) V. J. Patel.

His Excellency Lord Irwin, P.C., G.M.S.I., G.M.I.E.,
Viceroy's Camp.

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JINNAH TO VITHALBHAI

Mount Pleasant Road,
Malabar Hill, Bombay.
14th December 1929.

Dear Mr. Patel,

I received your letter with the enclosure. Many thanks. I think it is just as well that Motilal is going to see His Excel-

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lency on the 23rd of December by himself. There are many reasons why I say so, although the other course would perhaps have been far more advantageous and more effective. However, let us wait and see.

Yours sincerely,
(Sd.) M. A. Jinnah.

The Hon'ble Mr. J. V. Patel,
President, Legislative Assembly, Delhi.

IRWIN TO VITHALBHAI

Viceroy's Camp, India.
14th December 1929.

Dear Mr. Patel,

I ought to have written to you before this to thank you for your letter of 2nd of December, but as you have, no doubt, seen from the papers I have been constantly on the move this last week or two.

I am glad to hear that you feel your efforts on the side of wisdom are bearing fruit, and I shall be interested to hear of your doings when I see you in Delhi on my return.

I had a letter from Mr. Jinnah last week in which he said that you might be writing to me about the possibility of my seeing Mr. Gandhi and some others, including yourself, on December 23rd, and I had rather expected that I might have heard from you by now, though I quite see that difficulties may have lain in your way. As you know, I am of course always ready to see, and discuss things with, any leaders who express a desire to have a talk with me.

I have however been somewhat disturbed to read in the Press a definite announcement from a correspondent that I intend to 'call a conference' in Delhi on the 23rd, and that Mr. Gandhi and Pandit Motilal Nehru will probably attend it. It shows, I am afraid, that confidences have not been kept as strictly as I could have wished, and I fear that announcement of this kind, which is likely to give rise to misunderstanding, will seriously disturb

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opinion in England and will make my position there very much more difficult.

I had intended, in any case, to make some sort of announcement a day or two beforehand on my own account if any meeting took place. Now however the publication of this report in the Press may make it necessary for me to put out something without delay, and I should be grateful therefore if you could let me know soon whether the idea is to fructify. The sort of announcement that in that event I should issue would be that an intimation had been made to me while I was on my tour that Mr. Gandhi, Pandit Motilal Nehru, Sir Tej Bahadur Sapru and Mr. Jinnah would be glad of an opportunity of placing me in possession of their views, and that I had accordingly invited them to meet me.

I was very sorry to see that you had had a touch of fever and hope that you have quite thrown it off by now.

Yours sincerely,
(Sd.) Irwin.

The Hon'ble Mr. V. J. Patel.

GRIFFIN'S LETTER TO VITHALBHAI

The Viceroy's House,
New Delhi, 16th December, 1929.

Dear Mr. Patel,

His Excellency desires me to communicate to you the following message from him:

"I have just received your letter dated the 11th instant. I am mystified by passage therein saying that Motilal already received and accepted invitation from me to come and see me on December 23rd and that the idea is for me to discuss matters with Congressmen alone. This is entirely at variance with position as I know it. This was explained in a letter I wrote to Sapru on December 3rd repeating what I had said to Jinnah in Bombay to the effect that I should be glad to meet Gandhi, Jinnah, Motilal and Sapru in Delhi if they desired. I added

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that in view of events both in England and here it would help me greatly if the suggestion of such a meeting could come from those desiring to see me. In course of (a) letter to you despatched (on the) 14th of December from Madras I mentioned that I had (a) letter from Jinnah last week saying that you might be writing to me about (the) possibility of my seeing Gandhi, yourself and others and I added that of course I was always ready to see any of the leaders who might express (a) desire to see me. I also mentioned my intention, if (the) meeting took place of making some sort of announcement to the effect that intimation had been made to me while on tour that Gandhi, Motilal, Sapru and Jinnah would be glad of (an) opportunity of placing me in possession of their views and that I had accordingly invited them to meeting. Tendencious report recently appearing in Press that I was calling a Conference of Congress Leaders will render some such statement essential, and what I propose takes account of difficulties on both sides. In view of (the) importance of clearing (the) misunderstanding, I should be grateful if you would take steps to clear the situation with Motilal and let me know how the misunderstanding has arisen. I am communicating in sense (of?) this telegram with (to) Jinnah."

Yours sincerely,
(Sd.) Griffin.

The Hon'ble Mr. V. J. Patel.

VITHALBHAI TO JINNAH

20, Akbar Road,
New Delhi, 18th December, 1929.

My dear Jinnah,

Motilal saw me today and explained how misunderstanding had arisen. The accompanying copy of the telegram which I have today sent to His Excellency speaks for itself. You will thus see that our original arrangement stands and the Viceroy will in a day or two send out telegraphic invitations to five of us. You must therefore hold yourself in readiness to be here on

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the 22nd. Gandhi, Motilal and Sapru will also be here on the 22nd. More when we meet.

Yours sincerely,
(Sd.) V. J. Patel.

M. A. Jinnah, Esqr., BAR-AT-LAW, M.L.A.,
High Court, Bombay.

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VITHALBHAI'S TELEGRAM TO IRWIN

His Excellency Lord Irwin,
Viceroy's Camp.

Seen Motilal who says he has not seen your letter of third December to Sapru but Sapru's first suggestion to you to meet Motilal was the result of conversation between Sapru and Motilal in course of which Motilal accepted Sapru's advice to discuss Congress point of view with you if invited by you *Stop* On receipt of your reply Sapru 'phoned to him at Lucknow that you should be glad to see him on 15th of November and that Motilal was to treat your letter to Sapru as an invitation *Stop* Sapru informed you that Motilal was unable to get away from Lucknow to meet you on 15th *Stop* on receipt of your reply Sapru again 'phoned to Motilal at Lucknow saying that you hoped to meet him on 23rd of December *Stop* there was no mention of any other person seeing you with Motilal and he remained under the impression that he alone would do so *Stop* He suggested to Sapru on Monday last that Gandhi may be invited to meet you with him and Sapru agreeing wrote and wired to you yesterday to that effect *Stop* Sapru saw Motilal yesterday just before latter left Allahabad and said nothing to remove Motilal's impression *Stop* Motilal believes that Sapru himself thought that you will meet him and Gandhi separately from Sapru and Jinnah *Stop* He therefore concluded that you intended to discuss Congress point of view with him and Gandhi alone *Stop* He regrets misunderstanding and says he has no objection if you also invite Sapru, Jinnah and President Patel to meet you at the same hour on the 23rd but does not wish it to be understood that the idea of

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interviewing you originated with him but that on Sapru's suggestion he agreed to do so if invited *Stop* In view of all this I would advise you to send telegraphic invitations to all accordingly *Stop* Gandhi observe silence on 23rd but he would break it at three o'clock *Stop* I therefore suggest that meeting should be after that hour *Stop* He is at Wardha and arrives here on 22nd *Stop* Motilal will be in Lahore care of Congress *Stop* With regard to proposed announcement I suggest the following draft with the approval of Motilal — His Excellency having received intimation whilst on tour that Gandhi, Motilal, Jinnah and President Patel would be glad if invited to meet him and place him in possession of their views on the announcement regarding the proposed conference in London has accordingly invited them to a meeting at Viceroy's House, New Delhi on the 23rd of December *Stop* Motilal has seen this telegram."

(Sd) V. J. Patel.

GRIFFIN TO VITHALBHAI

The Viceroy's House,
New Delhi.
19th December, 1929.

Dear Mr. Patel,

Mr. Cunningham has sent me the following message for you:

"Your telegram of the 18th December received. Change of emphasis effected by your revised form of announcement will, I fear, lead to misunderstanding in England. While willing to adopt your wording that persons named would be glad if invited to meet the Viceroy and place him in possession of their views on announcement regarding conference in London, Viceroy would substitute for concluding words the following:

Begins. Meeting has accordingly been arranged at the Viceroy's House, New Delhi, on the Viceroy's return from tour December 23rd *Ends.*

This change seems neutral and unexceptionable, but he hesitated to make it without your concurrence. On receipt of your

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reply Viceroy will communicate telegraphically as you suggested with the persons named. Please reply clear line through the Assistant Private Secretary to the Viceroy in cipher."

I will send off your reply as soon as you let me have it.

Yours sincerely,

(Sd) Griffin.

The Hon'ble Mr. V. J. Patel,
20, Akbar Road, New Delhi.

VITHALBHAI TO GRIFFIN

20, Akbar Road,
New Delhi, the 19th December, 1929.

Dear Mr. Griffin,

I have just received your letter with Mr. Cunningham's message to me. Will you kindly send the following reply clear line to the Viceroy in cipher:

"Many thanks for your message of 19th of December. Personally I see no objection to the change proposed by His Excellency in the form of announcement and I think neither Gandhi nor Motilal could take exception to it. His Excellency has therefore my full concurrence to its adoption. Hope you will now be able to issue telegraphic invitations to all the five without delay."

Yours sincerely,

(Sd) V. J. Patel.

L. C. L. Griffin, Esq., I.C.S.,
Assistant Private Secretary to H.E. the Viceroy,
Room No. 26, The Viceroy's House, New Delhi.

VICEROY'S TELEGRAM TO VITHALBHAI

Viceroy's Camp, Falaknuma.
New Delhi.

Hon. Mr. Patel,

"Your telegram of twentieth *Stop* I am inviting all as you suggest to meet me at Viceroy's House at four-thirty p.m.

Monday Decr. twenty-third and hope you will be able to come at that time *Stop* Am making announcement in terms agreed *Stop* Would you kindly explain to Gandhi situation as described in your telegram eighteenth"—Viceroy.

The attitude of Motilalji in the whole of this affair was most astonishing. What made him so pessimistic? What had happened during this short interval to make Motilal go from one extreme to another? Why was the presence of Jinnah or Sapru considered so obnoxious, particularly when they were signatories to the Delhi manifesto? Why was the proposed interview treated as a deputation? Did not Motilal agree to accept the R.T.C. on certain conditions proposed by the signatories? And if he did, would not the presence of these signatories help to impress upon the Viceroy the necessity of speedily accepting their demands when they were pressed unanimously? Why was Panditji so anxious to leave Jinnah out, Jinnah of 1929 and not of 1942 and later years?

The last sentence in his letter: "At present all roads lead to Lahore" was significant. It appeared as if Panditji had definitely made up his mind to set his face against the R.T.C. move.

It should be remembered that though Motilalji may have honestly believed that the Viceroy had desired a separate interview with him alone, the facts are clear that it was a misunderstanding on his part, as the interview he spoke of, even the earlier one of the 15th of November, was actually arranged by Vithalbhai, (at that time through Sapru), and with Vithalbhai, Motilalji was only to be one of the leaders to be interviewed by the Viceroy.

Motilalji's sense of self-respect was probably wounded by the Viceroy's virtually denying him a separate interview. At least that is how he interpreted the affair. But more than this, it was the new situation in the Congress that led him to make up his mind. It would certainly have been disastrous to risk any split or schism at Lahore. The unity of the Congress dominated his mind. His heart was with Jawaharlal and those who stood for independence and, if need be, for a break with Britain.

The obvious interpretation is that Motilalji had seen quite clearly that the majority section in the Congress favoured Independence and were opposed to the acceptance of the R.T.C. It

was not difficult for him to visualise that if he and Gandhiji lent their support to the milder policy of co-operation, a split in the Congress was almost inevitable. The effect of this might lead to the isolation of Jawaharlal, who was at the head of the radical elements. And if a split were allowed, it would mean an overwhelming success of the Viceroy's policy. On the other hand, support to Jawaharlal would secure the unity of the Congress, and enhance its prestige. This, at worst, might mean only a break with Vithalbhai, Sapru and Irwin. On what issue to break was therefore the only question with him.

Vithalbhai had succeeded in bringing Jinnah and Gandhiji together at Sabarmati, where they had evolved the greatest common measure of agreement to be discussed with Irwin. The Viceroy on his part had preferred to meet Gandhiji, Motilal, Jinnah, Sapru and Vithalbhai together. Vithalbhai was entrusted with the work of fixing up the arrangement. But the whole move was threatened from an unexpected quarter. Somehow Motilalji got the impression that he alone was to meet Irwin and acquaint him with the Congress view-point. It was only a personal talk between Motilalji and Vithalbhai, and the tact of Sapru that ultimately cleared up the misunderstanding. And it appeared for a moment that things might be all right in the end.

The interview was to take place on the 23rd of December, 1929, when the Viceroy was scheduled to return to Delhi after his protracted tour in South India. During the interval much water had flown down the Ganges. Pandit Jawaharlal Nehru, the President-designate of the Congress, was definitely against any settlement such as was visualised by Motilalji himself, unless the Government were prepared to release every political prisoner and to give an irrevocable pledge that Dominion Status would be granted at once. Motilalji was conciliatory in the meeting of leaders at Allahabad, and so was Gandhiji. As President of the All-India Federation of Trades Union at Nagpur, Jawaharlal declared his revolt, about the middle of December, against the possibility of any settlement by negotiations. It was apparent from the attitude taken up by him, which was backed up by all the younger and the more radical elements in the country, that a split was inevitable in the Congress ranks. Could Motilalji face such a

situation? It was by no means easy for him to do so, as in that event he had not only to fight his own son, but also all the radical elements in the Congress. On his return from Nagpur, Jawaharlal prepared his speech for the Lahore Congress, and he showed it to Motilalji. How Motilalji reacted to it at the time has not been known, but it appears that, for all practical purposes, a definite change took place in his attitude from that moment. He was of course in close touch with Gandhiji and it was evident that they had come to a clear decision about what they should do at the Viceroy's interview, on the 23rd of December. The conclusions which they had reached were treated as a close secret and were not communicated to Vithalbhai or to Sapru or to Jinnah, all of whom were there, in Delhi, on the 23rd, for the interview.

Irwin returned to Delhi, as arranged, on the 23rd morning. Although a dastardly attempt was made on that day to bomb the Viceroy's train by some fanatics near Delhi, Irwin who had escaped death, as if, by a miracle, proceeded unmoved to the Viceregal Lodge, received the leaders and was prepared for the interview. Irwin was enthusiastic about its outcome, and in anticipation had even prepared a list of certain political prisoners who were to be immediately released. Unfortunately, however, Gandhiji declared, at the very outset, that unless the Viceroy was prepared to give a pledge that the Round Table Conference would recommend nothing short of full Dominion Status, and to assure him that the said pledge would be honoured by the British Government, he did not see any useful purpose in carrying on any further talks. Irwin was dumb-founded at this bolt from the blue. Vithalbhai, Sapru and Jinnah also were stunned at this sudden and, at the same time, inexplicable change in the attitude taken up by Gandhiji and Motilalji. Immediately it became clear that both Gandhiji and Motilalji had come prepared to give a short shrift to the interview.

A great opportunity for a settlement by negotiations was thus lost once again. One wonders why Gandhiji and Motilalji had ever entertained any proposal for an interview if they were not prepared to discuss the matter unless an undertaking was given, at the very outset, by Irwin himself who obviously did not have

the power of committing the British Parliament in advance. He could only make some recommendations, and the chances were that the British statesmen concerned would have preferred being guided by the conclusion of the man on the spot. The real beneficiary of this disastrous result was Pandit Jawaharlal Nehru inasmuch as he could now claim to be the President of an undivided Congress. Gandhiji and Motilalji had their personal prestige and popularity enhanced. Vithalbhaji alone found himself in a very embarrassing position at the sudden turn which the events had taken. All his efforts to bring the leaders and the Viceroy together, with a view to reaching a political settlement in the country dashed ignominiously to the ground. If he had initiated this move, he had also kept the leaders concerned informed of all the developments from time to time. But Motilalji and Gandhiji, who had acquiesced in it, did not care to take him into confidence when they changed their attitude, and thought it fit to torpedo that well-laid plan without so much as a thought for what the engineer of that plan might feel.

Chapter Forty-One

BOYCOTT OF LEGISLATURES ONCE AGAIN

SINCE the miscarriage of the October declaration of the Viceroy, the country was fast drifting into a mood of frustration bordering on utter despair. The hope aroused by Lord Irwin's announcement that Dominion Status was in sight was almost belied by the ill-conceived comments of the English Press. Young India was completely disillusioned. Lloyd George, Lord Reading, Lord Birkenhead, and last but not the least, Earl Russell had done that work effectively, by the speeches they made on the floor of the British Parliament. The voice of the British Imperialists rang clear and left no room whatsoever for any ambiguity. No practical statesman could any longer assume that Dominion Status was virtually agreed upon at any stage. The failure of all attempts to arrive at a compromise or an agreement by negotiations was proclaimed from the housetops. The country's sense of weariness was profound. The internal situation was nebulous and full of uncertainty. The hocus-pocus of British statesmen stirred the righteous indignation of the public. A sense of humiliation crawled over the country. All eyes now did turn to Lahore, and every one looked to the Lahore Session of the Congress for the steering of the country through the treacherous undercurrents in Indo-British relations, strained to a breaking point by the failure of the peace negotiations between Irwin and the Congress leaders.

The Lahore Session of the Congress met under the Presidentship of Jawaharlal Nehru, on the morrow of the breakdown of the negotiations at the Viceregal Lodge. The atmosphere was saturated with bitterness. The noble sentiments of patriotism, service and sacrifice filled the air and sent up ravishing strains all round. The flower of Indian manhood breathed the air of sublime poetry. The furious wrath of youth called for strategic leadership. They called upon the weak and the imbecile to re-

treat to their holes of safety. Triumphant over staggering obstacles, over cowardice, over the grumblings of impotents and the vapourings of arm-chair critics, a powerful current of youthful energy galvanized the whole of India's political life. The country now demanded some clear-cut and unmistakable political action.

In fact, the Lahore Congress proved a veritable turning-point in the history of the Congress and the country. Hitherto the Congress had hitched its wagon to the star of Dominion Status, notwithstanding a formal resolution at Madras, in 1927, expressing the desirability of complete independence. The ultimatum given to the British Government in 1928, asking for an unambiguous declaration of its honest intentions in regard to the grant of Dominion Status, was to expire on the midnight of the 31st December, 1929. No reply was forthcoming from the prestige-ridden Government. On the bleak, wintry New Year day, in the biting cold of Lahore, in a long drawn-out debate, the Old Guard pitted its caution, experience and wisdom against the bold, uncontrollable and adventurous spirit of the young who had now come to the fore. Like Mrs. Partington they came out with the uplifted mop to sweep away the onrushing tide of the fury of the Indian youth: but it did not take long before they realized the utter futility of it all. They had to give in, and to give up the apparently hopeless game. The elders recognised the absurdity of trying to go against the irresistible avalanche of youthful energy. They yielded. India's political goal was clearly and definitely defined to be, not Dominion Status, but '*Purna Swaraj*' or complete independence, involving absolute separation from the British Empire.

The New Year of the new decade ushered in a new era in the history of India's struggle for freedom. The chill without found no counterpart within the hearts of the thousands who had waited anxiously for the zero hour to strike. The Congress resolution of complete independence was a great inspiration to the general public, unacquainted with the intricacies of politics or with the different trends of opinion in the inner counsels of the Congress. The culminating moment came when they saw the flag of independence go up. A thrill of jubilation passed through

the entire assembly. The Lahore Congress lit a flaming beacon on the political horizon of India. Despair, frustration and pessimism gave way to a new and inspiring hope. The new message revitalized the drooping spirits of the country, and the exasperating intransigence of Britain only helped to fan into sudden flames the stored-up indignation of months and months together.

The Congress called upon its adherents who numbered several lakhs, to rally under its banner and to obey its commands. Unfortunately, however, for the masses, the Lahore Congress produced nothing like a definite or effective plan for reaching the goal of complete independence. As before, it left to Gandhiji the whole question of how to plan a campaign of active revolt. The one immediate step they could think of, on the spur of the moment, was to call upon all the Congressmen in all the Legislatures — Central and Provincial — to resign their seats. By adopting this resolution of the boycott of Legislatures, the Lahore Congress simply demonstrated the fact that 'the victory of the Swarajists in 1923 was avenged in 1929.'

The boycott of Legislatures had all along been playing an altogether disproportionate part in the Congress programme ever since the advent of Mahatma Gandhi on the political scene. The quintessence of the orthodox Congress creed having been to spin, weave and wear Khaddar as the Alpha and Omega of the struggle for Swaraj, the Councils from the very beginning of the national struggle under Gandhiji's guidance had invariably been presented as 'impure', 'unclean', 'unholy', the very touch of which was 'pollution' to a No-Changer. The votaries of the so-called constructive programme, which in effect, and at best, was no better than a reformist and a non-revolutionary programme, could never see in them anything more valuable than what can be looked for in the 'temples of Maya' or 'talking chambers.' One fact that the Councils, if left entirely in the hands of opponents or mere opportunists or rank reactionaries, could be used against them as potent and ready-to-hand instruments strangling their political and economic life was something the No-Changers simply could never see. Although it was realised by the thinking section of them that 'wholesale abstention' was not possible and that the hope of keeping the Councils empty was well-nigh impracticable there

were not a few who continued to hug their fond faith in total abstention. Measures affecting the daily life of the people were enacted in these Councils, year after year. Fresh taxation was being imposed and huge liabilities were being piled up on the country with the help and in the name of the so-called elected representatives, and the common people had willy-nilly to submit to them. It was as if, during their absence, a live cobra had entered their homes, and, like scared children, they had given it the widest scope to work havoc among their belongings; and in their anxiety to desist from killing or removing the noxious reptile they were content to be left out in the open, stripped of every thing they cared for in this world.

Realisation of the political wilderness in which the Congress had elected to abide ever since 1920 had dawned on the more rational of the Congressmen after some very bitter experience. They were forced by circumstances, if not by political wisdom, to admit that what was needed was a fight on all fronts — a total fight — if they really cared to rid the country of the tightening hold of Imperialism — economic and military. Those who persistently, and perhaps conscientiously, clung to the orthodox creed of the so-called Constructive Programme could not successfully controvert the need for basing the Congress programme and the Congress tactics on considerations of expediency, practicability and real utility. Even they had come to realize the utter futility of conducting a political campaign on doctrinaire ethics and mystical first principles and the consequent imminent need of realism and a practical plan of action. They had come to see that one can no more wage a war for national emancipation with a set of spiritual notions than one can steer a car with cosmic rays.

Active participation in the Councils could never be looked upon as the least important of the 'fronts.' By no stretch of imagination could it be identified with co-operation with foreign officialdom. On the contrary, obstructionism and public exposure of bureaucratic tricks and manoeuvrings were seen to be no mean auxiliaries in a total fight for freedom.

The Swarajists had never made the mistake of making a fetish of Council-entry, of exalting it above every other type of

strategy. Their one motive in entering the Councils was to wreck them by opposition from within — opposition relentless and unrelaxing. They had fully justified their six years of parliamentary activity by barring the way of mere placemen and job-hunters; by preventing the passage of obnoxious and anti-national measures; and whenever that was not possible, by counteracting and undoing their effects as far as possible. Their work had evoked unstinted praise from the most grudging of critics. They were men of courage and resolution. For downright uprightness, for love of service and devotion to duty they had proved themselves to be unsurpassed. Neither glamour of office nor love of *kudos* had drawn them into the Councils. They had selected their posts of duty with open eyes, and a full awareness of their limitations. Mature and doughty parliamentarians as they were, they had been able to present the case for India with formidable statistics and unanswerable logic, not with melodramatic noise or empty thunder. In safeguarding Indian interests they had relied not upon heady emotionalism, but upon sober and sound judgment. Their six years' work had constituted an unquestioned triumph of foresight and political acumen. The results they had achieved gave a well-merited rebuke to cavillers and screech-owls and political gallios. Government had opened an insidious economic offensive against the country, in the shape of the Currency Bill which sought to establish the rupee ratio at 1s. 6d. in the face of universal opposition to it and of the Steel Protection Bill that undermined (or sought to undermine) the Protection Act of 1924. Had not the Swarajists been there to repel this offensive, the country would have found herself a passive victim to a policy of noiseless bleeding of our national resources. With no less vigilance had the Swarajists rejected the Public Safety Bill and the Reserve Bank Bill. They had given a fitting answer to that egregious insult to India which was implied in the appointment of the all-White Simon Commission. All this is no small tribute to the good and lasting results achievable within the frame-work of the Government of India Act by a disciplined and determined party truly representative of the people.

A survey of the Swarajists Party's achievements in the

Central and Provincial legislatures should convince any one who is open to conviction that they did have a record of which they could well be proud. In the provinces, with its powerful organization, the Party succeeded in exposing the mockery of reforms when they declined to accept office, because it carried with it no real power. They demonstrated to the world that these legislatures with their nominated, official and European *blocs* were no Parliaments in the real sense of that term, though fobbed off on the people as if they were. The full blast of the Swarajist onslaught was experienced by the Government of the Chetral Provinces where it definitely demolished Dyarchy. In Bengal the false mask was torn off its face by C. R. Das and the intrepid handful of Swarajists working under his inspiring leadership and magnetic personality. The Bengal Government in its letter to the Government of India, dated the 21st of July, 1924, had been driven to confess:

"They have succeeded in inflicting a series of defeats on the Government. ... Their most striking achievement has been the refusal of the ministers' salaries".

Is this not a convincing testimony of the power which the Swarajists wielded in the Council? The Governments of Madras, Bombay, Assam, Bihar and Orissa reported to Head Quarters numerous tales of their woes. The fight given by the Swarajists in the Punjab Council had compelled Sir Michael O'Dwyer to exclaim: "This sabotage is even more difficult to deal with than open rebellion." The obstructionist policy of the Swarajists was inspired by the noblest of motives, — that of forcing the British Parliament to grant immediate Swaraj, and to realize that there was no more formidable obstacle to Indian constitutional advance than that misfeatured monstrosity which went under the name of Dyarchy. It had to be shown up for what it was, even as a first step in real progress. To make it partially succeed was to derail the further progress of the country. In fact, Dyarchy met with no direr foe than the Swarajists. Under their relentless blows it would have collapsed, but for the numerical superiority of the official *bloc* and the nominated contingent put together. On the other hand, it must be admitted, nevertheless, that the Swaraj Party had developed, on account

of a series of accidents and incidents, into a party of radical constitutionalists, moving towards co-operation with imperialism, on the inclined plane of a misunderstood Parliamentaryism. They had, in the beginning, pledged themselves to 'a policy of uniform, continuous and consistent obstruction with a view to making Government through the Councils impossible.' And yet they had found themselves, as time went on, to be very nearly divorced from the mass movement. On occasions they could be seen pleading for negotiations and even for acceptance of offices. But this could hardly be attributed to any tendency on their part to betray the primary aims and objects of the organization — such lapses being due solely to the shilly-shallying leadership which occasionally reconciled itself to spasmodic interruption, a leadership that believed in sudden overtures and unmeaning truces. It was indeed unfortunate that hankering after 'respectability and decency' should have found a place in the mental make-up of some of the leading lights of the Party. If the Congress had set up some sort of machinery to superintend, direct and control the working of the Swaraj Party, as was done in 1936, through its Parliamentary Boards, it might have accomplished better and far more concrete results than it actually did. Again, it was the step-motherly treatment accorded to the Swarajists by the orthodox elements of the Congress which was in no small measure responsible for the malady of opportunism to which the Party occasionally became susceptible. As it was, the Congress had to wait for another five years for awakening to the stark fact that without the 'Council Front' every other front was sterile of appreciable results.

The achievements, negative and positive, of the Swaraj Party in the various legislatures, Central and Provincial, have been writ large in the history of the twenties. Yet, strange to say, when the Lahore Congress adopted complete Independence as the final goal of Indian nationalism it began by enacting the melodramatic farce of attacking 'Council entry', forgetting that it was only the Swarajists who by their Council entry had kept alive the spirit of whatever resistance there was to the bureaucracy, by incessant and persistent battle in the legislatures, battle that needed the keenest sagacity and intellectual power of the highest

order. Many a time had they made the Government conscious of its cloven hoof and of the sorry rents in its armour. Their record, on the whole, would have redounded to the credit of any organization. If the Congress surgeons found a limb of that party rotten they could have amputated it; instead, they handed the entire body to physicians who administered a lethal drug. In this they committed not homicide, but suicide. There is something in the Indian mentality, deep in the unconscious, that comes up to the surface in moments of crisis. It is a pull to a sort of quietism, to an other-worldliness, to a morbid resignation, an ataxia, a legacy of misinterpreted Jainism or Buddhism or of distorted Vedantism. The evil in the world, it is presumed, cannot be grappled with, it can only be escaped from, and transcended. The gospel is the reverse of a positive and practical outlook on human affairs.

'Curiouser and Curiouser' was Pandit Motilal Nehru, the leader of the Swaraj Party in the Assembly, who, like a weak-kneed apostle, recanted all his earlier professions and beat a hasty retreat from his original position, playing second trombone to Gandhiji, in his call for the boycott of the legislatures. In the field of political warfare, are such anti-climaxes necessary to give the spectators some comic relief? Panditji's attitude has been a puzzle and mystery to many, specially when it is remembered that it was only in the previous June that the Labour Party had come into office and that they had invited Irwin to London for consultation and negotiation. It is still more curious that the Congress Working Committee, when they took up this question for their consideration, did not even consult the Congress legislative parties nor invite their opinions before they took their decision on this momentous question.

Why this importunate haste? Uncharitable rumour has it that Motilalji was losing his prestige and popularity within his party in the Assembly; that he was aware of a seething revolt in his camp; hence this resolve of his to dissolve the party by an alignment with the Mahatma on the boycott issue. Some justification is found for this unkind interpretation in the fact that only two months before, he had vigorously encouraged the Bengal Congress Party to fight the elections, enjoining on them the recapture

of some of the Moslem seats. A possible alternative is that he was afraid of the strengthening of the leftist opposition in the Congress ranks and wanted to placate the Mahatma for a united rightist front, as Gandhiji, without the active support of Motilalji, would not impose his views on the Congress.

Whatever the explanation of this phenomenon, the fact remains that, by this queer action of his, Motilalji rendered a distinct disservice to the country. The harmful results of the boycott of Councils had not been unknown to the Congress elders, the utility of being in the Councils was more than amply demonstrated. And yet the erstwhile votary and champion of Council-entry joined hands with the prime mover and the greatest exponent of the boycott creed, at an inopportune moment, when constitutional changes were definitely in the offing at Whitehall. Anyway, like all well-laid plans of mice and men, this resolution of the Working Committee could not come into operation immediately, because of its having been disapproved by the Congress legislative parties in the various provinces and at the Centre, as also because of the strong and strenuous opposition from Sen Gupta, Subhash Bose and several others in the All-India Congress Committee meeting held at Allahabad in July. The resolution was actually rescinded and the matter was kept pending till the Lahore Session of the Congress to be held in December.

The Congress met, rallied the people for complete independence, and issued an ukase to the Swarajist members of the various legislatures to quit their Chambers and resign the seats which they had occupied on a popular vote, twice over in six years — seats which had been the mainsprings of power and successful instruments for the amelioration of the hard lot of the people. Vithalbhai's reaction to this move was not only consistent with his opinions, but also dignified in its bearing. He had, of course, ceased to be a party man, and yet it was impossible for him to be left untouched by the tempo of events outside the Assembly Chamber. With the exit of the Congress Party from the Assembly, one of his main props in his fight for the independence of the legislature as against the executive had collapsed. Even with one of his wings thus clipped, Vithalbhai

resolved to cling tenaciously to his post of duty. He felt constrained to clarify his position *vis-a-vis* the declaration of boycott, and he did so, in the following statement on the 21st of January, 1930:

"I think I owe it to the House and also to my Constituency and the Country that I should make a statement explaining my position, as President, in reference to the recent Resolution of the Indian National Congress advocating the boycott of Legislatures. The well-established principle which governs the conduct of Speaker in the House of Commons in such matters has been described thus:

'The man who occupies the high office of Speaker is outside and above all Party conflict. Like the Sovereign, the Speaker as such, has no politics. It is true that he is returned to the House of Commons originally as a political partisan. It is true also that it is as a party nominee that he is first appointed to the Chair, for the Speakership remains one of the principal prizes of political life. But as he is being ceremoniously conducted by his proposer and seconder from his place on the benches to the Chair he severs the ties that bind him to his Party. He doffs his vivid Party colours, be they buff or blue, crimson or yellow, and wears instead the white flower of a neutral political life; (laughter from an Hon'ble Member on the Official Benches) and, once in the Chair (in spite of the jeers of the Hon'ble Member), he is regarded as the choice of the whole House, from which his authority is derived and in whose name it is exercised. It is said that after his appointment he never enters a political club.'

"In pursuance of a Resolution of the Indian National Congress, the Swaraj Party, which was then a distinct Party within the Congress, set up candidates at the General Elections for Legislatures in 1923. I was elected to this House on the ticket of the Party and accordingly took my seat in January 1924. In August 1925, the Swaraj Party in the Assembly selected me as their nominee for the office of the President of the Assembly. On my election to the Chair and following the centuries-old principle of the House of Commons described above, I made the following declaration from the Chair to which I was called:

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'From this moment I cease to be a Party man. I belong to no Party. I belong to all Parties. I belong to all of you and I hope and trust, my Hon'ble Friend, the Leader of the Swaraj Party, will take immediate steps to absolve me from all the obligations of a Swarajist Member of this House, if indeed, it has not been done by implication in consequence of my election to this Chair.'

"In March 1926 the Swaraj Party decided to walk out in a body from the Assembly, and some members expected me to participate in the walk-out on the ground that, having been returned to the Assembly on the Swaraj Party ticket, I was bound by the mandate of the Party. At the risk of being misunderstood I declined to join the Party in their action, and for the first time established a convention that the Speaker is above all Party politics and therefore not bound to accept the mandate of the Party to which he belonged before he was elevated to the Chair.

"The end of 1926 saw the General Elections again. Some endeavour was made to set up a Congress candidate against me in my Constituency and I was also asked whether I would be willing to accept the Congress Party ticket. I thought that, as I had made up my mind to serve the Assembly again as its President if I was elected, the safer course for me was to stand as an independent candidate in order to guard myself against any future misunderstandings. I accordingly did so and was returned unopposed. When the election of the President took place, the Leader of the Congress Party, among others, proposed me to the Chair and I was unanimously re-elected. I then made the following declaration (on the occasion?):

'From the brief experience that I had as the occupant of this Chair I have found, as I stated when I was addressing you last, that any one who aspires to fill this great office with any hope of success must lay aside all that is personal, all that is of Party, all that savours of political predilection, and learn to subordinate everything to the great interests of the House as a whole. Not that it is possible for any one to divest himself so completely of the influence of his political associations and the teachings of a lifetime. He may have his political opinions,

he may retain them; he may have his prejudices; but in his general decisions and in his treatment of individual Members no trace of them should find any place. I do not know whether I have in the past lived up to that ideal, nor can I say whether it would be possible for me to live up to that ideal in the future. All I can promise is that I shall ever endeavour to the best of my capacity to regulate my conduct in the Chair on the lines which I have just indicated.'

"Since the Resolution of the Lahore Congress, many friends are anxious to know how I propose to act on this occasion. I am making this statement today to set at rest all speculation on the question and to re-affirm and emphasise the principle that the President is above all Parties and he would be unworthy of the confidence reposed in him if he were to allow his conduct to be influenced by any Party in or outside this House. I venture to think that this principle must and will hold good under any form of Government. In these circumstances, I feel I would be nullifying and indeed destroying all the work it is claimed I have done during the last four years and more, were I to tender my resignation in obedience to the mandate of the Congress.

"It has been suggested to me that the absence of the Congress Party in this House would materially handicap me in the discharge of my duties to the best interests of the country. I am afraid I am unable to agree with this view, for I have no reason to think that other parties in the House, as also those who would replace Congressmen would not accord the same support to me as I have been fortunate enough to receive from the House as a whole during my term of office. In any case the moment I find that the holding of this office under altered conditions is inconsistent with the maintenance of that absolute independence and impartiality, — the two essential attributes upon which at once the influence of the President and the confidence reposed in him are founded,— that moment you will not find me in this Chair.

"Whilst, therefore, I am quite clear that it would be wrong, and indeed dangerous, for any President to act on the mandate of any political party in or outside this House, I am equally emphatic that, circumstanced as India is, a situation might arise

when, in the larger interests of the country, the President of the Assembly might feel called upon to tender his resignation with a view to return (returning) to a position of greater freedom. Such a situation had, I thought, arisen when His Majesty's Government announced the personnel of the Simon Commission and the overwhelming majority of my countrymen decided to boycott the Commission. I was then seriously contemplating resignation with a view to actively participate (active participation) in the boycott agitation. I was, however, advised that I would be serving the cause of the country better by my retention of the office than otherwise. I accepted the advice and issued a statement to the Press accordingly. That statement I today lay on the table for the information of Hon'ble members (it appears earlier in this book). Irrespective of the general situation in the country, I had on several occasions in the past contemplated resignation because of my fundamental differences with the Government of India on matters of great moment. I was on each occasion advised that, so long as I retained the confidence of the House as a whole, I should continue to serve them, leaving the party dissatisfied to table a vote of no confidence. To be frank, I should not have continued so long in this Chair had it not been for His Excellency, Lord Irwin, who on more than one occasion by his timely intervention has averted a crisis in the past.

"I have given my most anxious consideration to the situation in the country today arising out of the Viceregal announcement and the Resolution of the Lahore Congress, and I have come to the conclusion that, in the interest of the cause itself, apart from other considerations, it is necessary that I should continue to occupy this Chair at this juncture. I have always maintained and still maintain, the change in the Congress creed in favour of complete Independence notwithstanding, that the relations between Great Britain and India can only be finally adjusted on the basis of India's right to Dominion Status being acknowledged without any reservation, and the method of giving effect to that decision being examined in some joint and equal conference between the plenipotentiaries of the two countries, and that the greater the delay in finding a solution of the problem

on these lines, the lesser the chance for a favourable atmosphere for the purpose and its general acceptance in this country. I have missed no opportunity during the last four years that I have been in this Chair, to press this view as strongly as I can upon the attention of the authorities concerned. I am aware that the Viceregal announcement does not go so far, but viewing the situation as a whole, I am bound to admit that it represents a genuine and honest attempt of a sincere Viceroy anxious to find a way for peace in the most difficult circumstances. The Congress no doubt remains dissatisfied at the announcement, and it will be a grave mistake to underrate the strength behind the Congress. I (have) endeavoured in my own way to bring about rapprochement. I confess I have failed, but perhaps it is not still impossible, by mutual give-and-take, to evolve a formula acceptable to all parties. I only hope that it is not already too late.

"In these circumstances, and holding the views I do, I have decided to continue to serve the House and the Country as best (as) I can from this Chair, for the present."

Neither his former party affiliation, nor any vain desire to earn cheap laurels could make him vacate his presidential chair. It was certainly no bed of roses for Vithalbhai, but he elected to continue in it as long as it was possible. He always believed that there were several ways and avenues of serving the country and he chose to serve the country by his work within the precincts of the Assembly Chamber and within the four corners of the Constitution. But while he continued to do so, he kept an ever-watchful eye on the events outside where the political wheels were moving very rapidly.

Chapter Forty-Two

RESIGNATION AT LAST "MY PLACE IS WITH MY PEOPLE"

BETWEEN the 1st of January and the 25th of April, 1930, i.e., between the day on which the Lahore Session of the Congress defined the goal of India to be 'Complete Independence' and the day on which Vithalbhai placed his resignation finally in the hands of the Viceroy, several things happened which swayed Vithalbhai now to one side and now to the other. The new Working Committee of the Congress met on the 2nd of January, and the first thing it did was 'to take steps to implement the Congress resolution on the boycott of Councils urging the registered voters to *compel* the resignation of those who may not respond to the Congress appeal for resignation, as well as to refrain from participating in the ensuing elections to the Legislatures.' The net result of it was the resignation of 27 members of the Assembly. This Working Committee also decided to observe the 26th of January as the 'Purna Swarajya Day', and framed a 'declaration' to be read all over the country on that day, in which, *inter alia*, it was to be said: 'We hold it a crime against man and God to submit any longer to a rule that has caused this four-fold disaster (Economical, Political, Cultural and Spiritual) to our Country', and also: 'We will, therefore, prepare ourselves by withdrawing, so far as we can, all voluntary association from the British Government, and will prepare for Civil Disobedience, including non-payment of taxes.'

On the 10th of January, Vithalbhai wrote to Irwin: '... My first desire has been all along to see that no action of mine adds to your embarrassment. Nothing is easier for me than to tender my resignation, particularly when there are only a few months to run, and by doing so I can be immensely popular with my people for the time being. In the interests of the Constitution, and taking a long view of things in the larger interests of the

country, however, I have taken a decision as embodied in the draft statement sent herewith. In spite of the advice and insistence of friends I have deliberately refrained from seeing you, because I do not want it to be said that my decision has been influenced by you in anyway. I shall be grateful if you will peruse the draft and let me have your suggestions for amendments. I need not assure you that any amendments you might suggest either in language or in substance will, *as far as possible*, be accepted by me.' In his reply to that letter of Vithalbhai, dated the 11th, Irwin wrote: "I am sending back your draft *with a few marginal notes*. The responsibility for the decision, as for the terms of your statement must, as you will yourself realise, rests on you alone, and the notes I have jotted down are only suggestions which in my view would protect your statement from criticism without affecting its general tenor." Needless to say, in the statement as actually made on the 21st, and as quoted in the last chapter, all these suggestions were incorporated.

On the 25th, the Viceroy made his speech in the Assembly, in which, after clearly explaining the implications of his announcement of the 31st October, 1929, he said:

"I have never sought to delude Indian opinion into the belief that a definition of purpose, however plainly stated, would of itself by the enunciation of a phrase, provide a solution for the problems which have to be solved before that purpose is fully realised. The assertion of a goal, however precise its terms, is of necessity a different thing from the goal's attainment. ... The Conference which His Majesty's Government will convene is not indeed the Conference that those have demanded, who claimed that its duty should be to proceed by way of majority vote to the fashioning of an Indian Constitution which should thereafter be accepted unchanged by Parliament. It is evident that any such procedure would be impracticable and impossible of reconciliation with the Constitutional responsibility that must rest both on His Majesty's Government and upon Parliament. But though the Conference cannot assume the duty that appertains to His Majesty's Government, it will be convened for the purpose, hardly less important, of elucidating and harmonising

opinion, and so affording guidance to His Majesty's Government, on whom the responsibility must subsequently devolve of drafting proposals for the consideration of Parliament. ... It is surely no small thing that the claim of India to take a constructive part, without prejudice, in the evolution of the new Constitution should have been recognised by those on whom the final Constitutional obligation must rest. ... I had greatly hoped that leaders of Indian opinion would have been unanimous in accepting the hand of friendship proffered by His Majesty's Government and so taken advantage of an opportunity unprecedented in India's history. All history is the tale of opportunities seized or lost, and it is one of its chief functions to teach us with what fatal frequency men have allowed opportunities to pass them by, because it may be that the opportunity presented itself in a form different from that which they had expected or desired ... I have striven hard, not I think without result, to secure recognition of what I felt to be the just claims of India at the hands of Great Britain, and at the same time to pursue a policy of day-to-day administration in India that might not needlessly imperil any chance there might be of guiding the ship carrying a precious freight of India's future into smoother waters. It has not therefore, been the policy of my Government that prosecutions for seditious speech should be extended beyond those cases where the language used, or the circumstances of its employment, constituted an incitement to violence, or made it necessary to regard the speech as incidental to the movement directed to the subversion of law and of the authority of Government ... ''.

In response to this speech, Gandhiji interpreted 'complete Independence' as 'substance of Independence', and formulated his famous eleven points, none of which, by the way, had he put forth in the interview of the 23rd of December, 1929. Vithalbhai communicated them to S. R. Bomanji for being placed before the Prime Minister. If 'these very simple but vital needs of India' could be satisfied, Gandhiji was prepared to guarantee that there would be 'no talk of Civil Disobedience' and that the Congress would 'heartily participate in any Conference where there is a perfect freedom of expression and demand.' But before Bomanji could place these points before the Prime

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Minister, Gandhiji published them in his *Young India*, with the result that whatever novelty there was in them disappeared, as can be seen from the following letter of Bomanji to Vithalbahi:

Constitutional Club,
Northumberland Avenue, W.C. 2,
27th February, 1930.

My dear Patel,

I saw Mr. MacDonald at 10, Downing Street. He had asked Mr. Benn to be (present) at the interview.

As usual they were both very sympathetic, but pointed out that, as people believed in the Viceroy, the best thing was to convince the Viceroy, and on their part they would see that what the Viceroy asked for would be granted by Parliament.

The novelty of my offer was entirely gone by Gandhiji's publication of the terms, as Benn told me that he knew that on reading my letter that it was the same as the 11 demands published in India.

I tried my best to get them to do something to strike our imagination by granting some of the demands, but they promised to get the Parliament to pass everything that the Viceroy asked for.

The Prime Minister told me that they were given to understand that if a declaration was made about Dominion Status and Round Table Conference, India would be satisfied. They had done this, and they were now disappointed. ... It was then suggested that I should have another talk with Benn, and he (Benn) asked me to lunch with him at the House. He also emphasised that the Cabinet would accept everything that the Viceroy put forward, and (asked me) not to have any misgivings about Parliament, finally noting every recommendation put forward by the Viceroy. ... He hinted that very representative men were likely to come over, but I told him that I had my doubts if the men he had in mind would be able to deliver (the) goods. I urged all our points, but in every case I was referred to the Viceroy.

Both the Prime Minister and Mr. Benn (have) realized the

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situation and were sympathetic. Mr. Benn (has) asked me to see him again when I return from New York, next May. ...

Yours sincerely,
(Sd.) S. R. Bomanji.

Bomanji wrote his next letter to Vithalbhai, on the 4th of March, this time from Paris. It sheds some light on the shape events were going to take in the near future. The text of it is as follows:

69, Boulevard Lannes, Paris, XVIe.
4th March, 1930.

My dear Patel,

Last week I did not write as fully as I should have. MacDonald kept on saying, we cannot allow Government defied as your friends are doing, and I replied, even to-day you do not tell me what you are prepared to do about these demands I put before you, and his only answer was, let the Viceroy ask for them and we shall see that everything Irwin wants will be given. But since then they have given(?) import duties against Manchester and Japan as much as our mills were asking for. When I asked for import duties, MacDonald inquired, supposing you get import duties raised, will you give us Imperial Preference. I said in the present temper of India, it was useless talking of Imperial Preference.

I am afraid they seem to have made up their minds about arresting Gandhiji. Although he did not openly say so, he kept on saying, I don't believe in your non-violent preachings in India. They will tend to violence, and the non-violence is only a cloak. I pleaded that India's patience was exhausted. He and Benn kept on saying, we shall get plenty of support from some people in India, and we are confident about it.

Evidently they are relying on the Moderates and Muslims, and he also mentioned Congressmen like Malaviya and Kelkar. But at the same time I could not help feeling that it was due to Gandhiji's agitation that we have import duties. I would mention it to Purushottamdas and Jinnah, if I was you.

I am sorry, Jamnadas Mehta lost Bombay election. Do please let me have a line in reply at the Plaza Hotel, New York.

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I am sailing on the 6th of March, by S. S. Bremen, the new German Boat.

With kind regards,

Yours sincerely,
(Sd.) S. R. Bomanji.

In the meanwhile, the Working Committee of the Congress, which met at Sabarmati on the 14th, 15th and 16th of February had resolved that 'Civil Disobedience should be initiated and controlled by those who believe in non-violence for the purpose of achieving *Purna Swaraj*, as an article of faith', and had authorized Gandhiji to start it. On the 2nd of March, Gandhiji wrote his famous letter to the Viceroy apprising him of his intention to embark on Civil Disobedience. In his letter, be it noted that, he made it clear that the Independence asked for in the Lahore resolution was hardly distinguishable from Dominion Status. Irwin expressed his regret that Gandhiji should have been 'contemplating a course of action which was clearly bound to involve violation of the Law and danger to the public peace.' Gandhiji's rejoinder was: "I repudiate this Law and regard it as my sacred duty to break the mournful monotony of compulsory peace that is choking the heart of the Nation for want of free vent."

Gandhiji's plan was to march with his seventy-eight chosen followers who had become members of his Sabarmati Ashram, from Ahmedabad to Dandi, and, on arrival there, to break the Salt Law. That was contemplated to be the beginning of the Civil Disobedience Campaign. The rest of the country was to take up the movement from that moment. While Gandhiji was busy making the preliminary preparation, Vallabhbhai occupied himself with the priming up of the villagers on the way for the coming ordeals. He was looked upon in certain quarters as John the Baptist who was the fore-runner of Christ. Vallabhbhai went from village to village and made several speeches in which he advocated 'breaches of the law and non-payment of taxes and the boycott of Government servants.' In the course of these travels he came to the village of *Ras* (near Borsad), on the 7th of March. He was scheduled to make a speech there. With-

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out waiting to see what kind of speech he was going to make, the Resident Magistrate of Borsad issued a notice against him under Section 42 of the Bombay District Police Act. Vallabhbhai told the Magistrate that he was going to disregard the notice, and thereupon, before he had made his speech, he was arrested and imprisoned.

We quote below (1) a statement made by Vallabhbhai himself in the Central Jail at Sabarmati, about the facts of the case, and (2) the judgment of the District Magistrate convicting him. These documents are enough proof of the fact that the trial was a mere farce and that the conviction would have been set aside by any competent Court, if only the case had been fought.

(1) VALLABHBHAI'S STATEMENT

The Magistrate served the notice and then asked me what I was going to do and whether I knew the consequences. I said, "I don't care for the consequences but I am going to make a speech." Then he asked the Deputy Superintendent to arrest me. He asked me before arrest whether I would like to give bail. I said, "No", and then the Deputy Superintendent took me to his motor, the Magistrate accompanied and with a police party, brought me to Borsad in the Magistrate's Court at about 2-30 p.m. The Deputy Superintendent went to see the Collector at the Traveller's bungalow and returned with him at about 3-30. Meanwhile some pleaders and other gentlemen had come in the Magistrate's Court: the District Magistrate came and cleared the Court and he asked me to sit in the adjoining room (which was used as a chamber by the Magistrate) and closed the door. I was alone in the chamber. In the Court room there were only three persons, viz., the District Magistrate, the Deputy Superintendent of Police and the Magistrate who had served the notice on me. Then about half an hour later, I was called out and was asked by the District Magistrate to show cause why I should not be convicted of disobeying the direction given by the police officer under some Section of the District Police Act. (I do not remember the number of the Section). I said, "I do not want

to defend (myself) and I plead guilty." Then he wrote an order and read out to me only the portion which referred to the sentence, saying that as there was only three months and Rs. 500 fine *as the maximum sentence*, he could not give me more. Then I was taken to the car again and brought to the Central Jail direct from Borsad.

Q:—"The order of the District Magistrate states that the District Superintendent of Police, Mr. Billimoria, requested you under Section 54 of the District Police Act to desist from making a harangue. Did the District Superintendent of Police tell you any such thing?"

A:—"He said nothing to me. I had no talk with him at all."

Q:—"The order further says you 'refused to obey and spoke.' Did you make any speech?"

A:—"The only 'speech' that I made was in reply to the Magistrate's question. I said to him that I would make a speech and on the expression of my intention I was arrested."

Q:—"The District Superintendent of Police in verification of his complaint (or deposition?) states that you attempted to start speaking after he gave you the warning. Is it correct?"

A:—"He gave me no warning. He was standing by the Magistrate and the conversation which took place between me and the Magistrate has been stated above. Nothing more took place between me and them. I made no attempt to speak but I simply mentioned my intention, although I would certainly have spoken if I had not been arrested."

Q:—"It appears from the certified copy supplied that the District Superintendent of Police was examined as a prosecution witness. Was he examined in your presence and within your hearing?"

A:—"No evidence was recorded in my presence, nor was he examined during the 5 minutes that I was in the Court House."

Q:—"Was any complaint read out to you?"

A:—"No."

Q:—"Were you asked if you had to put any questions to any witnesses?"

A:—"No. In fact no witness was examined."

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Summary Case No. 1 of 1930.

JUDGMENT :

Imperator *versus* Vallabhbhai Jhaverbhai Patel of Ahmedabad.

On the 7th of March, the First Class Magistrate, Borsad, passed an order Exhibit A, by which he prohibited the making of harangues in the village of Ras. On accused proceeding to make a harangue, the Deputy Superintendent of Police Mr. Billimoria requested him under Section 54, District Police Act, to desist. He refused to obey *and spoke*, thus committing an offence punishable under Section 71, District Police Act.

The points for decision are clear as they deal merely with the infringement of Section 71, District Police Act. The accused admits the offence and pleads guilty. His words were as above recorded(?). The complaint was made on the same day that the offence was committed, i.e., 7th of March. The circumstances are quite fresh in the accused's mind and he has clearly failed to comply with a reasonable direction to desist given by a Police officer. I, therefore, convict him under Section 71, District Police Act, and sentence him to simple imprisonment for three months and a fine of Rs. 500 and in default of fine to simple imprisonment for three weeks in addition to the substantive sentence.

7th March, 1930.

Fine not paid.

(Sd) A.M.

(Sd) A. Master,

District Magistrate, Kaira.

(True copy)

(Sd) W. B. Patel,

for District Magistrate, Kaira.

Vithalbhai was very much upset by what was going on in the country, and particularly by what he heard of the way in which Vallabhbhai was being treated. He obtained, by the 20th of March, full details of the case against Vallabhbhai, and was convinced that the arrest and the conviction were illegal. He brought the case, therefore, to the notice of Irwin. In

the meantime (on the 10th of March) however a motion for adjournment on the 'arrest and conviction of Sardar Vallabhbhai Patel' was moved in the Assembly by Malaviyaji, and the affair had become complicated by the attitude taken on it by the Government, and Irwin, therefore, showed not the slightest inclination to move in the matter. The adjournment motion was negatived in the Assembly, with 30 Ayes and 55 Noes. Besides Malaviyaji, Ranga Iyer, Amar Nath Dutt, Aney, Jehangir K. Munshi and Jinnah spoke for the motion, and Maulvi Muhammad Yakub, Crawford, and, of course, Crerar spoke on the other side. The burden of Crerar's song was: "If the Government and its servants in this particular instance have been compelled to take action, they have done so under the compulsion of a public duty any dereliction in (of) which would have been open to the gravest condemnation." Jinnah put the case trenchantly when he said: "According to the statement of the Hon'ble the Home Member, Sardar Vallabhbhai Patel had made several speeches before. Were those speeches against the law? Did he transgress the limits of law or did he not? I have no information. If he was going to make a speech or speeches of the kind which he had already made, in regard to which he had already transgressed the limits of law, and if he had already committed offences or infringed the law, then, Sir, your proper course, the proper course on the part of the authorities in that district, should have been that Sardar Vallabhbhai Patel ought to have been prosecuted long ago for an offence, but an order should not be passed which goes to the root of the principle of liberty of speech. Sir, the precedent that the Government of India are creating — this is what I am afraid of, and that is where the danger lies — the precedent they are creating is a dangerous precedent, and I want this House, to understand that this is a very important issue. Do not let us be carried away for the moment with other side-issues and various other arguments that have been advanced. What is the real issue before the House? Sir, I will read in the language, which is certainly much better than I command, a small passage, and I think any one who is a student of history and of political movements in other countries will appreciate this passage and will

see the point that I am trying to impress upon the Government. "Liberty of opinion, of course, is open to abuse ..."

Sir Hugh Cocke: What is that book please?

Mr. M. A. Jinnah: It is called "American Government and Policies" by Beard, 4th Edition, Library Edition. It is not mine. It is the Library Edition of the House. Therefore, I think my Hon'ble friend Sir Hugh Cocke is now thoroughly satisfied.

Sir Hugh Cocke: Quite.

Mr. M. A. Jinnah: 'Liberty of opinion, of course, is open to abuse; it is constantly abused; but far more open to abuse is the right to suppress opinion and far more often, in the long history of humanity, has it been abused. Still all matters of sentiment may be put on one side. It is a hard, cold proposition: by what process are we most likely to secure orderly and intelligent Government, by the process of censorship or that of freedom? On this question a comparison of English and Russian history is illuminating.'

Do you want to follow the Russian history or the English history?"

It was some time after the debate on the adjournment motion that full particulars about the arrest and conviction of Vallabhbhai reached the hands of Vithalbhai. It was then clear to Vithalbhai that Vallabhbhai's conviction was illegal. As Irwin did not appear to be sympathetic, Vithalbhai did not know what to do. In the meanwhile, Gandhiji had commenced his famous Dandi March (12th of March). An intensive propaganda was being carried on, as Gandhiji moved from village to village, people were being asked to give up service under the Crown, and to prepare for the non-payment of taxes. The atmosphere was surcharged with the impending Salt Satyagraha which actually began on the 6th of April, when Gandhiji, after a purificatory bath in the sea, started Civil Disobedience by appropriating pieces of salt lying on the beach. The last straw on the camel's back for Vithalbhai was the introduction, on the 13th of March, by Sir George Rainy, in the Assembly, of the 'Cotton Textile Industry (Protection) Bill.' That Bill placed the Bombay Millowners on the horns of a dilemma. The mill-owners could get the protection they wanted only if they were prepared to give 'special

protection' to England. This special protection was only another name for 'Imperial Preference' to which there was a very strong opposition in the entire country, particularly because of the unusually strained relations at the time between England and India. Further it was widely believed at the time (and the belief was strengthened by the persistent refusal of the Government to place the relevant documents on the table) that Whitehall was interfering with the Indian Government in direct violation of the spirit of the Fiscal Convention under which when the Executive and the Legislature in India agreed on these matters Whitehall and the Secretary of State had no business to intervene. Malaviyaji was very keen on this question. In the course of his speech, he said: "I want the Bombay industry to live, but if it is necessary for me to choose between my country and sacrificing the Bombay industry, I will have no hesitation in sacrificing it at the altar of my country as a whole." He then proceeded to raise certain points of order, and requested the Chair to give its ruling on them. Jinnah raised a point of order about whether these points of order raised by Malaviyaji were points of order at all. After having heard several speakers on these issues, Vithalbhai gave the following decision on all these points of order:

"Before the House proceeds with further discussion on the Cotton Tariff Bill, I propose to give the Chair's decision on the points of order raised. The Hon'ble the Leader of the Opposition (Malaviyaji) formulated for the Chair's consideration the following propositions:

1. Whether the interpretation put by the Hon'ble Sir George Rainy on the Fiscal Convention is correct and consistent with the recent declaration of the Secretary of State;

2. Whether the attitude taken up by the Government that they have not an open mind in regard to his amendment, and that, if that or any other amendment is accepted by the House, they will not further proceed with the Bill, is inconsistent with the Fiscal Autonomy Convention;

3. Whether official and nominated non-official members are entitled to record their votes on a division on this Bill.

"The Hon'ble the Leader of the Independent Party (Jin-

nah) then raised a point of order as to whether any of the three points, which have been stated, and which are contained in the statement of Pandit Madan Mohan Malaviya, are points of order, having regard to the progress of the Bill.

"The Hon'ble the Law Member concurred with the Hon'ble the Leader of the Independent Party in the view that they are not points of order.

"The Central contention is that, even if the points of order raised by the Hon'ble the Leader of the Opposition were sound, it does not seem that the Chair can give any relief, and where no relief is possible, no point of order can arise.

"The Chair cannot concur with this view. The test whether a point is a point of order is not as to whether the Chair can give any relief, but whether it involves an interpretation of the Rules, Standing Orders and various parts of the Constitution, which regulate the course of business of the House in one form or another, and whether it raises a question which the Chair alone can decide. The points of order raised by the Hon'ble the Leader of the Opposition fulfil these conditions. I, therefore, rule that the points raised by the Hon'ble the Leader of the Opposition are points of order within the Standing Orders and Rules of the House.

"1. The Hon'ble the Leader of the Opposition, by his first point, invites the Chair to give the House its authoritative interpretation of the Fiscal Convention. I desire to assure him and the House that, if I were satisfied that such interpretation was necessary for any specific purpose connected with the debate on this Bill, I should have, without hesitation responded. But from what will follow later, the House will see that it is wholly unnecessary for me, for the purpose we have in hand, to proceed to interpret the Convention at this stage. I, therefore, refrain from doing so.

"2. The position with regard to the second point is not so clear.

"The mill industry of India is admittedly on its last legs and needs immediate and substantial protection. The Government of India have submitted their proposals in that behalf to this House in the form of this

Bill, based on the Fiscal Convention. They tell the House in the initial stages of the Bill, that if the Assembly does not accept their proposal, it will be impossible for them to proceed further with the Bill. This has created an impression in the minds of Hon'ble Members that, if the House did not accept the proposals of the Government of India, the mill industry of India would go without any protection, resulting in its total destruction. Several speakers, during the course of the debate, have expressed their strong resentment and disapproval of this attitude of Government.

"In the considered opinion of the Chair the Government were not within their rights in taking up that attitude, having regard to the terms of the Convention, and this is so, whichever of the two interpretations of the Convention is correct. If we take the interpretation of the Leader of the Opposition that the vote of the House is final and binding on Government, the Government are bound to proceed with the Bill and take the vote of the House on it. According to the other interpretation, *viz.*, that put by the Commerce Member, as soon as disagreement is found between the Legislature and the Government, the Secretary of State would resume his powers of direction, superintendence and control. That means that the Secretary of State might either agree with the Government of India or with the Legislature. But if the House, by the attitude of the Government, is virtually compelled to accept the Government's proposals, no case for the interference of the Secretary of State would arise, and the House would thus be deprived of the opportunity of recording their free vote on them and having the matter examined by the Secretary of State. In either view, therefore, a free vote of the House is essential in all measures under the Convention. It is, therefore, clear that the statement that the Government would not proceed with the Bill is not warranted by the constitutional position, and is also calculated seriously to interfere with the free vote of the House. In the first case, where it is contended that the vote of the House is of a binding character, the Government of India are bound to proceed with the Bill. In the other case, where the Secretary of State resumes his powers, he might throw his weight with the Legislature and direct the Government

of India to proceed with the Bill; and even where he does not accept the view of the Legislature, he might ask the Government of India to proceed by way of recommendation or certification. The Government of India is not fair to themselves or to the Secretary of State when they convey an impression that if the House did not accept their proposals, they would allow the mill industry of India to go to wreck (rack) and ruin.

"In these circumstances, and in the interests of the freedom of vote in this House, and in either view of the Convention, it is due to the House that the Government of India should, even at this late stage, reconsider their position and tell the House that they have an open mind and that they have not finally decided, and indeed could not decide, without reference to the Secretary of State, to drop the Bill, in the event of the House amending their proposals in any manner. I hope they will realise, on reflection, if indeed they have already not done so, that by the extraordinary attitude they have taken up, they have denied the House an opportunity to convince them by arguments and persuasion and thus rendered the whole debate on this measure unreal and farcial, and violated the spirit of the Convention. I am aware that the suggestion made by me, even if carried out by Government, would not undo fully the mischief done by the statements of the Commerce Member. That, however, is the minimum that is due to the House in the interest of free expression of opinion and freedom of vote, so necessary in this matter.

"3. I now come to the third point. The Hon'ble the Leader of the Opposition contends that official and nominated non-official members are not entitled to record their votes on any division on this measure. I fully appreciate the point of view of the Leader of the Opposition that any decision taken in a House, constituted as it is, with 144 members, of whom 26 do not represent any electorate in India, will go forth to the world as the decision of India in favour of Imperial Preference: and it is, therefore, necessary that if the Convention is to be worked in the spirit of the recommendation of the Joint Parliamentary Committee, official members should not vote. But, I hope, he will in his turn appreciate the limitations of the Chair, due to

the constitution under which it is bound to conduct the business of this House, and I am sure no one knows more than the Leader of the Opposition that, by no possible stretch of language is it open to the Chair to rule that official members shall not vote. The question whether they should or should not vote is for them to decide. As to their right to vote there can be no question. So also (about) the right of the non-official nominated members. I agree that real fiscal autonomy is possible, even under the existing constitution, if the decision on fiscal measures is left to the vote of the non-official members and such decision is regarded as binding on the Executive; but this can be done by a convention and not by a ruling of the Chair. I, therefore, rule that the official and nominated non-official members are entitled to record their votes."

It is worthwhile noting that, though in his opening sentence, Vithalbhai called this his decision, he corrected himself after he gave it, and called it a 'suggestion', and not a definite ruling which he must enforce, and yet 'a suggestion which might be turned into a decision any moment'.

Later on, in the debate, after the lunch hour, Sir Bhupendra Nath Mitra, the Leader of the House, put the position of the Government in these words:

"The Government of India see no reason to depart from the attitude which they have adopted in the matter, after the fullest consideration of the merits of the various amendments which were placed before them, and it is with the greatest regret therefore that I am unable to inform the House that the Government of India can in anyway recede from that position."

To this Vithalbhai responded with the following remarks, before he put to the vote Malaviyaji's amendment which, in effect, sought to remove from the Bill the Imperial Preference part of it:

"Having regard to the attitude of the Government I have decided, in the circumstances of this Bill which are so obvious to Hon'ble Members, to put the questions, but I should like to make an observation. I made a certain suggestion to the Government, and they did not accept it. The threat held out by the Hon'ble the Commerce Member (Rainy) to the House, therefore,

remains unwithdrawn, and I desire, in that view, to place on record that any decision that the Assembly might finally reach on this important question *will not be by the free vote of this House on merits*'.

The result of the vote, in the circumstances, was a foregone conclusion. Malaviyaji's amendment was negatived (Ayes 44, Noes 60), and Chetty's (accepting Imperial Preference) adopted (Ayes 62, Noes 42). When the Bill as amended came up for consideration, Malaviyaji sang his swan-song, and said, "I feel, Sir, that it would be a sin on my part to continue to take any further part in the discussion on this Bill, and retired along with all the members of the Nationalist Party. Diwan Chaman Lall then followed Malaviyaji's lead, and withdrew from the House along with his followers of the New Swaraj Party.

The Bill was then passed without a division.

These events took place on the 31st of March. The Assembly was adjourned *sine die* on that day. That ideas of resignation were floating at the time in Vithalbhair's head is apparent from the following remarks he made when he shook hands with every member of the House at the end of the Session: "We do not know whether the next Session will be held or not, *and even if it is held, we do not know how many of us will be here.*"

With the Nationalists under Malviyaji and the New Swarajists under Chaman Lall out of the Assembly, there was hardly any incentive for Vithalbhair to continue in the Assembly. In fact, Vithalbhair had been thinking of resigning all these days, and if he had not resigned that was because he still had some hope of bringing about a compromise, and because his faith in Irwin had no yet shattered. In fact, it was understood between Vithalbhair and Irwin that Vithalbhair was not to resign until Irwin gave up all hope of a settlement. In consultation with Vithalbhair, Irwin was trying his level best to persuade both MacDonald and Baldwin to go as far as possible to meet the Indian demand. It was on this account that Government had not touched Gandhiji so far. With the arrest of Gandhiji, obviously all hope of a satisfactory solution had to be abandoned. This is, however, only one side of the picture. On the other hand, it has to be admitted that incidentally this postponement of Gandhiji's

arrest was a great help to the movement. If Irwin had followed the advice of the Civil Service and clapped him in jail, as Willingdon did later, one wonders whether the movement would have reached those gigantic proportions which it reached.

There is one other thing which explains why Vithalbhai had postponed sending in his resignation. He had given a promise to Sapru that he would not send in his resignation without a previous consultation with him. The following correspondence between them throws some light on the situation:

Holcombe, Simla,
5th April 1930.

My Dear Sapru,

I am contemplating resignation of my office as soon as possible. I have personally spoken to H.E. about it and feel bound to discuss the matter with you before I take the final step. Perhaps you might run to Simla for a day, or at least will relieve me of the obligation to consult you and leave me to act as I consider proper in the best interest of the country.

Yours sincerely,
(Sd.) V. J. Patel.

Sir Tej Bahadur Sapru, K.C.S.I.,
19, Albert Road, Allahabad.

19, Albert Road, Allahabad,
7th April, 1930.

My Dear Patel,

I am in receipt of your letter of the 5th April and feel very grateful to you for it.

I have been following with no little concern the trend of events in the Assembly (Assembly) during the last two weeks or so. The possibility of your tendering the resignation of your office, which has been more than hinted at by the Press during the last few days, has also been exercising my mind.

I would have gladly run up to Simla as desired by you but I am unable to do so as I am in the midst of the performance of the funeral rites and the *Shradh* of my mother who died last

week. If I am, therefore, unable to come up to Simla to discuss the matter with you personally, I hope you will understand the difficulty of my position and excuse me. I very well remember your promising to me that you would not take the final step so far as your office was concerned without giving me a chance of discussing the question with you and I, therefore, very much appreciate the courtesy which you have shown me in asking me to come up to you or to release you from your obligation of consulting me. As I am unable to come up, I think the next best thing that I can do is to emphasise before you very earnestly some of the considerations which, no doubt, have been present to your mind:

(1) The immediate cause of your resignation can only be the attitude of the Government towards the convention of Fiscal Autonomy, for if you wanted to resign on any other issue you would have done so in January or February. I myself think that it was not only possible but also extremely desirable for the Government to avoid the step which they have taken in regard to the Tariff Bill, but I cannot see that having hitherto refrained from resigning your office on the issue raised by Mahatma Gandhi, you can really promote the general cause of the country by withdrawing yourself from office on the issue of Fiscal Autonomy. No doubt your resignation will mean a very strong protest against the policy of the Government but it will be treated as a protest only against its policy in regard to Fiscal Autonomy.

(2) Your resignation from office will, I am afraid, necessarily lead you to identify yourself with the general movement led by the Mahatma at the present moment. I raise no question as to its merits, but I cannot conceal from you my great regret that this should deprive the country of your great knowledge and experience and authoritative exposition of the work of the Assembly (Assembly) at the Round Table Conference. Of course it would be quite different if you attached no importance to the Round Table Conference, which I know was not the case when I met you last month, or if you have changed your mind about it since. Notwithstanding much that has happened since we met last, I still think that it would be a great mistake to reject

the chance that is offered to us; on the contrary I still think that if we could consolidate our forces and bring about a maximum amount of agreement among ourselves we have as fair a chance as there can be in politics of achieving a considerable measure of success. Your keeping aloof would, on the other hand, sensibly weaken that chance.

(3) I have shared your admiration and respect for Lord Irwin with whom you have come much more directly into touch than I have. He has generally, whenever there has been a conflict between you and the executive, poured oil over troubled waters. I do not say that this personal consideration should by any means override the superior consideration of duty to the country, but I do think that Lord Irwin's attitude towards you may fairly be taken as symptomatic of his general attitude towards the supreme constitutional issue which is bound to be raised at the time of the Round Table Conference.

(4) Your resignation will take place at the fag end of the life of the Assembly (Assembly). I do not know whether the general elections will take place before or after the Round Table Conference. In either case it would be a pity if you were absent from the new House or did not continue in the high office which you have hitherto occupied with such independence.

(5) What the repercussions of the resignation of his office by the President of the Assembly (Assembly) may be in India or in England it is not difficult to imagine. Leaving aside the hostile critics who are bound to comment on it adversely to us, I am afraid even friends will feel embarrassed and may feel weakened in their support of the development and extension of the powers of the Assembly (Assembly).

(6) You can while holding office use your great position and influence to bring about peace and reconciliation and I would earnestly urge it on you to work in that behalf. I am afraid once you take this step, your utility as a possible mediator will be greatly affected if not entirely gone.

I have considered it my duty in the interests of the country and also as due to you personally to place these considerations before you in the hope and belief that you may yet reconsider your decision which will be to me a matter of great regret.

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I have explained to you the circumstances why I cannot come up to you at present and I do hope that you will excuse me for my inability. I need scarcely say how anxiously I shall await developments so far as you are concerned.

With all kind regards,

Yours very sincerely,
(Sd.) T. B. Sapru.

Hon'ble Mr. V. J. Patel,

President Legislative Assembly, Simla.

The correspondence between Vithalbhai and Irwin, as detailed below, gives all that one needs to know of the whole story of Vithalbhai's resignation. Hardly any commentary is needed to explain the situation.

Holcombe,
Simla, 8th April, 1930.

My Dear Lord Irwin,

I arrived here last Friday, but unfortunately caught chill on my way. Somehow I have been keeping very indifferent health for the last two years and it is my experience that the climate of Europe suits my health better. If political conditions in India had been normal, I should have taken a trip to England and perhaps settled down there. In that case I had expected you to help me in finding some occupation whereby it would be possible for me to serve my country from there. But this is not to be at a time when my countrymen have been engaged in the life-and-death struggle for freedom and I feel I must, for the time being, make my humble contribution in my own way.

I have already written to Sapru and am awaiting his reply. On hearing from him I propose to write to you again, unless in the meantime you arrive in Simla.

As I was going out of your room last Thursday, I met Cunningham waiting outside. He informed me that he had received a letter of resignation from Pandit Madan Mohan Malaviya. I knew Panditji was thinking of resigning. But I was not sure that he would act so soon. I went home and phoned Panditji to say that as Leader of the Opposition, it was his duty to go to

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the Viceroy's House and say good-bye to you before he left Delhi. I also told him that political differences should not be allowed to prejudice our personal relations with you. He promised to write to you for an appointment. I am glad to read in newspapers that he has already seen you and I hope the interview was satisfactory from every point of view.

With all kind regards,

Yours sincerely,
(Sd.) V. J. Patel.

His Excellency Lord Irwin,

P.C., G.M.S.I., G.M.I.E.

Holcombe, Simla,
12th April 1930.

My Dear Lord Irwin,

I have now received Dr. Sapru's reply to my letter. As he is in the midst of the performance of the funeral rites and the *Shradh* of his mother who died only a few days back, he regrets he is unable to run up to Simla to discuss the question of my resignation with me personally. The next best thing that he does under the circumstances is to emphasise in his letter certain considerations against the step which I propose to take and (to) express a hope and belief that I might yet reconsider my decision which would be to him a matter of great regret and to friends one of embarrassment. All the reasons urged by Dr. Sapru except one were present to my mind all these days and were fully considered by me. The only new argument urged by him against my resignation and which had not occurred to me so far has been expressed by him in his letter in the following words:

"You can, while holding office, use your great position and influence to bring about peace and reconciliation and I would earnestly urge it on you to work in that behalf. I am afraid once you take this step, your utility as a possible mediator will be greatly affected, if not entirely gone".

Although the path of a peace-maker is full of difficulties, as you know to your cost, I have always placed my services at your

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disposal for that purpose and considering our intimate relations, it does not matter whether I am in office or out of it, you have a right to call upon me, no matter where I am, to play the part of a mediator if and when, in your opinion, occasion for it arises. In any case, I should have stayed on if I were convinced that there was any *immediate* chance of negotiations opening up; but from the way in which things are moving, I cannot help feeling that both sides are drifting apart further and placing themselves in irretrievable positions making the task of reconciliation more and more difficult. It is not my purpose at present to apportion blame to either side. I merely look at the question from the point of view of the decision I have to take.

I do not know how your mind works and what your plans are. But so far as I am concerned, I feel certain that delay on my part in taking the final step is being misunderstood in the country, though I am prepared to continue even at the risk of being so misunderstood if my services were really required within the next few days by Your Excellency for the purpose referred to in Dr. Sapru's letter. And let me assure you once again, whether I continue or I do not, that my services are at your disposal as hitherto whenever you require them.

With kind regards,

Yours sincerely,
(Sd.) V. J. Patel

His Excellency Lord Irwin, P.C., G.M.S.I., G.M.S.E.,

Viceroy's Camp.

Viceroy's Camp, India,
13th April 1930.

Dear Mr. Patel,

Thank you very much for your letter. I was sorry to hear that you had caught a chill on your way to Simla. I am afraid your health has been causing you a lot of trouble of late, and I hope you will be quite yourself again.

I am glad you advised Pandit Malaviya to come and see me before he left Delhi. I had a long talk with him. As you

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know, I believe that nothing but good can come out of frank personal discussion, even though the results may seem at the moment to be disappointing.

Yours sincerely,
(Sd.) Irwin.

The Hon'ble Mr. V. J. Patel.

Viceroy's Camp, India.
15th April 1930.

Dear Mr. Patel,

Thank you very much for your letter of the 12th of April which has just reached me in Peshawar. I appreciate the difficulty of the position in which you have found yourself, and the thoroughness with which you have examined every aspect of the question. I do not however feel that I can take the responsibility of influencing your judgment by saying that I see much chance of things taking such a turn in the near future that I would have to call upon your services in the way you indicate.

I am however grateful to you for the assurance you give me at the end of your letter that your services are at my disposal whenever I should wish to avail myself of them, and you know that no one wishes more fervently than I that the affairs of India may speedily again be guided into smoother waters.

Yours sincerely,
(Sd.) Irwin,

The Hon'ble Mr. V. J. Patel.

Holcombe,
Simla, 20th April, 1930.

My Dear Lord Irwin,

I have received your letter of the 15th April from Peshawar, and am deeply sorry that you do not see much chance of things taking such a turn in the near future that you would have to call upon my services in the way indicated by Sir Tej Bahadur Sapru

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in his letter to me. The only comment I have to offer in that connection is that further delay would simply complicate matters and make your task more difficult. I have always made it clear to you that Congress and Gandhi alone were in a position to deliver (the) goods to any appreciable extent, and a Round Table Conference in which Congress leaders could not be persuaded to participate was not worth much, if (worth) anything at all. It was for this reason that since the day you landed in India I was endeavouring as best (as) I could to bring you and them together, and although I have so far failed in the result, I am not yet without hope that before long you would realise the strength behind the Congress and find a way to enlist their support to the Conference. I repeat my assurance that my services are at your disposal for that purpose whenever you choose to requisition them. I feel sad, however, that your great name should in the meantime be associated with a campaign of wholesale arrests and imprisonment of hundreds of Congress workers who, if India were a free country, would have, I know, made excellent administrators.

Regarding the question of my resignation, you had asked me to let you know my final decision privately. As I have often told you, the Chair of the Assembly has not been a bed of roses to me. In my anxiety to uphold and, may I say, enlarge the authority of the Chair and the dignity of the House and its rights and privileges, I have come in constant conflict with Government and they would have, but for certain reasons of which you are not unaware, made short work of me long ago. I know I have silently suffered persecution and harassment in a variety of ways for my independence and for doing what I thought, under all circumstances, was in the best interest of the Assembly and the country, and I would have resigned long ago had it not been for our mutual regard and the encouragement I was receiving from you now and again. The thought that as the first elected President of the Assembly I owed a duty to the Constitution and my country that I should endeavour to make the office a success as far as possible was also present in my mind in continuing in the Chair in the midst of all these difficulties. I know you will believe me when I say that nothing will

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be more painful to me than a feeling that it should be necessary for me to tender my resignation when such a good friend as you, for whom I have such high admiration and regard, is at the helm of affairs, but I am sure you will agree with me that one's duty to his (one's) country is greater than all other considerations put together. I have fully considered the question from every point of view, and I have come to the conclusion that under new conditions my usefulness as President has ceased to exist and I should be serving the interest of my country better at this juncture by giving my open and active support to the Congress movement and endeavouring to the best of my capacity to keep it non-violent. I reached this decision finally on the day on which Pandit Jawaharlal Nehru, the President of the Congress, was arrested and sentenced. I had already explained to you at some length during my last interview with you at Delhi my reasons for the step I proposed to take, and your last letter supplies me with additional reason why I should not delay my resignation much longer. I propose, therefore, to submit to you my formal resignation within the next two or three days.

I have to dispose of in consultation with you one or two matters before I resign, and I shall be obliged if you can find time for the purpose.

Always at your service,

I remain,
Yours sincerely,
(Sd.) V. J. Patel.

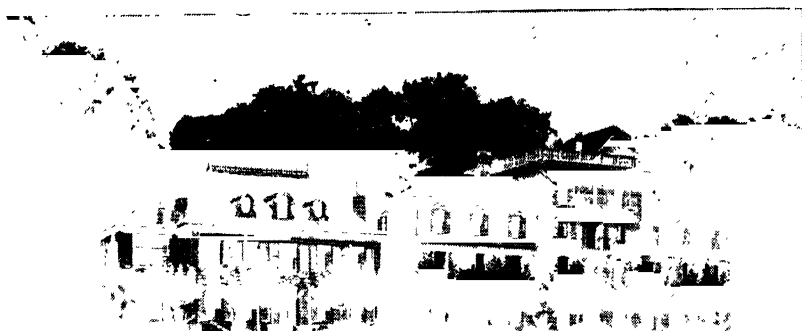
His Excellency Lord Irwin,

P.C., G.M.S.I., G.M.I.E.,
Viceregal Lodge, Simla.

Viceregal Lodge, Simla.
21st April 1930.

Dear Mr. Patel,

Thank you for your letter of the 20th April. Whatever view I may take of your decision, I do not think that I can usefully,



Clinique La Lagnierein, Gland, (Switzerland)



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or perhaps rightly, say anything more upon a matter that must in the last resort be one for your individual judgment, and therefore I do not feel able to contest your intention of submitting your resignation.

The situation that Mr. Gandhi has created naturally causes me very deep concern, *and I would do anything in my power to change it for the better.* But so long as leaders of Indian opinion feel that progress will be achieved by open defiance of the law, I cannot pretend that I see much hope of reaching an understanding with them. Just as you, in your capacity as President, are bound while you hold your office to enforce the existing rules governing the work of the Assembly, so am I compelled to maintain the existing law against violation, until it has been revised by those competent to do so. Those who have been arrested have only been so arrested after open breaches of law, for the alteration of which they are fully entitled to press by every constitutional means, but which it is impossible for me to allow them with impunity to defy.

It is therefore with great regret that I learn of your decision actively to associate yourself with this movement. Moreover, knowing what I do of your feelings in regard to the general policy adopted by Congress towards the offer of His Majesty's Government, I cannot help being surprised that you should now be prepared to identify yourself with a course of action which in private conversation you have led me to believe that you, with me, deplored.

I have greatly appreciated the confidence you have been willing to repose in me through very difficult times. Some day perhaps we may see the result of what in different fashions, during the time we have worked together, we have each sought to promote. But I do not think this result will be nearer by the way of Civil Disobedience with all its inevitable consequences.

I shall be glad to see you at any time convenient, and will ask Cunningham to telephone.

Yours sincerely,
(Sd.) Irwin.

The Hon'ble Mr. V. J. Patel,

VITHALBHAI PATEL

Holcombe,

Simla, 23rd April, 1930.

My Dear Lord Irwin,

After I left you yesterday and thinking over the conversation we had, I feel we should further clarify our respective ideas as to what exactly I should say in talking to Gandhi and Panditji in order to pave the way for opening up negotiations. I consider this very essential as I am anxious that I should say or do nothing which might subsequently be put down to my mishandling the situation. I have no doubt you will also feel as I do and we must therefore meet once again before I leave Simla.

Will it be possible for you to have a cup of tea with me in my poor hut either today or tomorrow or the day after at 4 P.M.? You have never visited my Simla House and I shall feel highly honoured if you can agree to do so before I leave. There will be no third person and we shall have a quiet and useful talk for our mutual guidance.

I hope to send you my letters by tomorrow evening.

Yours sincerely,
(Sd.)V. J. Patel.

His Excellency Lord Irwin, P.C., G.M.S.I., G.M.I.E.
Viceregal Lodge.

Viceregal Lodge, Simla.
23rd April, 1930.

Dear Mr. Patel,

I have just got your letter. I am afraid you must have very much misunderstood the drift of our conversation yesterday if it suggested to you in any way that I was prepared to contemplate 'opening up negotiations' with Gandhi and Motilal. You, if I remember rightly, told me that you were going to see them and tell them that in your view the movement was mistaken and that it was possible that they might charge you with a message to myself. I told you in reply that of course if you wished to see me at any time, I should be glad to hear anything you could tell me: but that so far as I was concerned,

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it was impossible to do anything, and it was impossible to expect any change for the better until those who were deliberately breaking the law, whatever might be their purpose, stopped doing so. That position I must make absolutely plain.

I think, in view of your imminent action, which as you told me yesterday will be accompanied by a strong attack on my Government, that my coming to your house for tea at this juncture would be inevitably and naturally misunderstood. So while thanking you for your thought, I fear I must ask you to excuse me. And in view of what I have said above, I am afraid we must both realise that at present there is nothing more that can usefully be said. *Abstract constitutional discussions must clearly await the advent of smoother times.*

Yours sincerely,
(Sd) Irwin.

The Hon'ble Mr. V. J. Patel.

Holcombe,
Simla, the 24th April, 1930.

My Dear Lord Irwin,

I confess to a feeling of disappointment to read your letter of the 23rd of April 1930. Of course, our conversation during my last interview had left me in the impression that you would be prepared to treat with Gandhi and Motilal in the near future if I brought any terms from them, and my clear recollection is that we discussed what those terms should be if they were to be acceptable to you. It now transpires that I have misunderstood you, and it is quite clear from your letter that you have also misunderstood me, and we both must regret that this should be so, particularly as it was my last interview with you in my official capacity. I was really so pleased when we parted that I felt that the situation was not beyond hope. But the general trend and stiffness of your letter leaves me sad and with a feeling that you have not yet realised the gravity and seriousness of the situation. I feel it all the more, because this was my last endeavour in the interests of peace in my official capacity and it has met with this unfortunate fate. Perhaps my country-

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men have not yet purged their sins fully and still more sacrifices and sufferings are in store for them. In these circumstances, the only course open to me is to state frankly what I feel in my letters to you and leave matters there. I hope to be able to complete them by tonight to enable me to place them in your hands by tomorrow morning.

Yours sincerely,
(Sd) V. J. Patel.

His Excellency Lord Irwin,
P.C., G.M.S.I., G.M.I.E.,
Viceregal Lodge, Simla.

* * * *

Holcombe,
Simla, the 25th April, 1930.

My Dear Lord Irwin,

I have, since I last saw you, prepared two documents which are enclosed in separate covers herewith, and whilst they contain in brief my frank statement I assure you I have weighed every word in them and put myself under considerable restraint in the choice of expressions.

I propose to leave Simla on Sunday afternoon, and I hope I have your permission to do so.

Wishing you and Lady Irwin the best of luck,

Yours sincerely,
(Sd) V. J. Patel.

To His Excellency Lord Irwin,
P.C., G.M.S.I., G.M.I.E.,
Viceregal Lodge, Simla.

* * * *

Holcombe,
Simla, the 25th April, 1930.

While I tender my resignation of the office of the President of the Legislative Assembly for reasons which I personally explained to you at some length at my interview with you on the 3rd of April and have briefly stated in another letter herewith, I consider it my duty not so much in the capacity of the Presi-



— Who served him



Lying-in-State

dent, with the sands of my official life running out, but rather as a true and devoted friend, to lay certain considerations before you at this juncture when I believe you are perplexed and puzzled lest one false step on your part might make the situation beyond redemption.

India is determined to be free, and no obstacle will be too great for her to overcome. Englishmen will never understand how it is and why Indians regard jail, which is intended for criminals, as a place of pilgrimage, and a public man who in his endeavour to secure freedom for his country has not gone to jail is at a discount. Suffering without retaliation for the cause of the country has become a matter of religion with most Indians. This process of suffering will go on till freedom is won.

Since you assumed the Viceroyalty of India, I have enjoyed the privilege of having numerous talks with you on the question of India's future and her relations with Britain as perhaps no other Indian has. From the day you landed in Bombay I began to acquaint you with the true situation. On that day, I had a long conversation with you and I told you how the great Non-co-operation Movement of 1920 was started and how it had very nearly achieved its object but ultimately failed. I also told you then that though the movement for the time being had failed, Congress was still the most representative institution in India, Gandhi was still a living force in Indian politics and was merely biding his time and that he was *the* man in India with the largest following and the one man who was essentially fitted to lead a mass movement. I urged upon you the absolute necessity of taking the earliest opportunity to get into touch with him and with his co-operation take steps to settle India's problem once and for all. You were then just a stranger to this land, and therefore did not rightly express any view or commit yourself to any opinion.

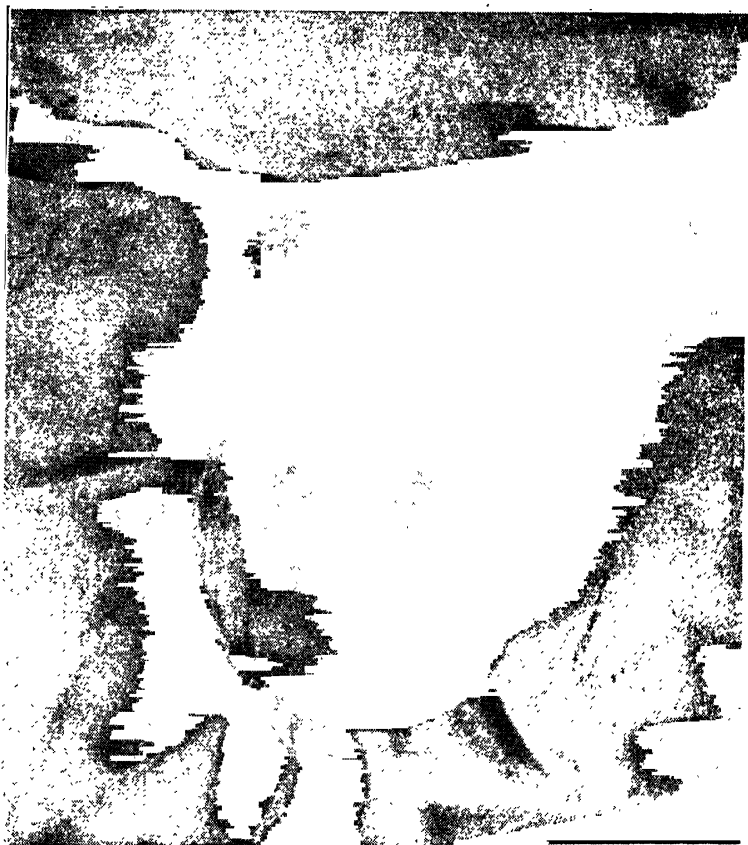
Subsequently you came into touch with your so-called constitutional advisers and your civil service who naturally had your ears. You also met a large number of public men of various schools of political thought in the country. The only people who did not come near you were the Congressmen — followers of

Gandhi. Later, in our conversations, you more than once doubted whether Gandhi really counted in the political arena and whether the Congress had not lost much of its following in the country. I thought you were discounting my advice and that you were being wrongly advised. I then told you that Gandhi would before long lead a mass movement in India and that it would be your misfortune to resort to repressive methods much against your own inclination. I knew that I was all alone in tendering such advice to you and that you would not accept all that I was telling you.

In 1927, when I went to England, I told the same thing to His Majesty, the King Emperor, and also to Lord Birkenhead and other leading public men of England. Talking about further constitutional reforms with Lord Birkenhead, I told him that nothing short of immediate establishment of full responsible Government would meet the requirements of the situation and that any delay in doing so would further complicate matters and seriously endanger the relations between the two countries. Difficulties regarding defence of India were pointed out to me, and I told him 'where there was a will, there was a way', and if England would be prepared to give a loan of the requisite number of officers on such terms and conditions as may be agreed upon for a period of, say, five years, the so-called difficulties about defence would disappear. I also warned him that if India's problem was not settled to the satisfaction of the Congress without delay, England must be prepared to face the revival of the Non-Co-operation and Civil Disobedience Movement of 1921 on a much larger scale in 1930.

On my return from England, I repeated all this to you. Two or three months later, I learnt with pain and no less surprise that the British Government had appointed an all-White Commission called the Simon Commission. I felt that all my advice had fallen on deaf ears. The overwhelming majority of my countrymen decided to boycott the Commission and I thought of resigning my office to enable me to stand shoulder to shoulder with my countrymen in the boycott agitation. You, on being consulted, in the capacity of a personal friend and not as the Viceroy of India, advised me not to do so, and I accepted your

Adieu



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advice and issued a letter to the Press explaining my position. The boycott movement made tremendous strides and was a grand success. You then for the first time realised that after all there was something in what I was saying to you all along. You thereupon thought of going to England to acquaint the British Government with the situation in India as you understood it and to have some declaration made to placate the boycotters.

My political opinions and my public activities before I accepted office are well known. I never believed that reason, persuasion or argument had any place in Britain's dealings with subject races. She never yields gracefully and out of mere generosity or merely because of the righteousness or justice of the cause, and whenever she does so, it is only when circumstances make it absolutely impossible for her to do otherwise. In this view, every agitation calculated to bring irresistible pressure to bear on the British Government, every activity which was likely seriously to embarrass the British administrators in India, and every movement designed to create conditions which might make it difficult, if not impossible, for the British rulers to carry on in this country, had my fullest support. And today, after years of intimate connection with your Government in my official capacity, I am in a position to declare that those opinions have not varied in the slightest degree, or rather, I am confirmed in the views I held before I accepted office. It is for you and the British Government, therefore, to consider what all this means.

It is no doubt true that my mentality began to undergo change when you decided to go to England to find a way out of the impasse resulting from the boycott of the Simon Commission, and I felt that perhaps you were destined to help India to realise her destiny and unite the two countries by a bond of real friendship, and I saw in your efforts a possibility for India to come into her own without further sufferings and sacrifices. I believed you meant well, though I did not fully realise your limitations and your difficulties. In any case, I was anxious that your efforts should not be wasted, and therefore I wanted you to take one very necessary precaution. On the 25th of May, last year, when you were about to leave Simla for Eng-

land, we discussed the subject matter of your mission at some length, and I told you on that occasion that you were making a great mistake in not ascertaining from Gandhi and Pandit Motilal Nehru what sort of declaration would satisfy the Congress. You told me that you knew their views, and, in particular, of Pandit Motilal Nehru through a common friend and that in any case it was too late for the purpose. I cannot help feeling that considerations of prestige and your hesitancy to believe that the Congress had so great a hold on the country and that Gandhi was really so powerful as I was representing (him to be) to you, prevented you from accepting my advice.

Whilst you were in England I wrote to you two letters and I had two from you. In my first letter I emphasised what I had told you on the 25th of May, that if by any formula the British Government could make it worth the while of the Congress leaders to agree to take part in a Round Table Conference, half the battle was won, and I added that my only apprehension was that you were not in full possession of the exact views of the Congress leaders in that respect and that there was, therefore, the danger of the formula not being acceptable to them.

In my second letter, I expressed my regret that it was not possible for you before you left India to have a heart-to-heart talk with the leaders of the party that really mattered, the only party which was in a position to deliver the goods to any appreciable extent,— I meant the Congress Party in the Assembly and the country. I then made a definite suggestion in that letter that the British Government should take one or two of these leaders into their confidence, either Mahatma Gandhi or Pandit Motilal Nehru, or both, and have their previous consent to the terms of the proposed announcement and hoped they (the British Government) would not permit considerations of prestige to stand in the way of their doing the right thing at the right moment.

In your letters you assured me that you would do your best to find a way of peace out of our difficulties and that you were not likely to under-estimate the importance of doing everything that was possible to make it easier *for all sections of opinion* to come together. You returned to this country by the end of Octo-

ber, and made the announcement on behalf of His Majesty's Government. You were good enough to send me a copy in advance, and when I met you in Delhi a couple of days before the announcement was made, I told you at once that the announcement would put the Congress on the horns of a dilemma. If they accepted it, they would run counter to the Calcutta Congress Resolution and their declarations from time to time; if they did not accept it, they would at once lose the sympathy and support of Liberals and others who, I had no doubt, would accept the announcement unconditionally. Speaking for myself, I was inclined to accept the Round Table Conference, *given a satisfactory personnel and general amnesty to political prisoners*. I was so inclined, not so much because I believed that I and my Congress friends would get all that we stood for as a result of the Round Table Conference, but because, in my judgment, in the event of a failure of the Conference and the resulting disappointment in the country, the Congress could start mass movement with greater justification and under more favourable auspices and also because I was so very much impressed with your sincerity. In any case, of one thing I was certain, namely, that a Conference without Congress leaders was (to my mind) unthinkable and futile. I therefore suggested to you to have a meeting with Gandhi and discuss the announcement with him. In my letter dated the 2nd of December 1929, I wrote to you as follows:

'I should like to repeat what I have so often made clear that the acceptance of the announcement by other political parties in the country means very little if the Congress Party is not reconciled to it. If the Congress at Lahore commits itself to the goal of Independence and declines to participate in the proposed Round Table Conference, it would, in my opinion, be a bad day both for England and India. It is, therefore, essential that every endeavour should be made to prevent the Congress from doing so. I have also made it clear to you that the only person who is *yet* in a position to save the situation is Mahatma Gandhi, and I must impress upon you once again to do all that lies in your power to strengthen his hands and satisfy him. In my interview with you in Bombay I had told you that you should, before the Congress meets at Lahore, say or do some-

thing which could be regarded as a sufficient justification by Mahatmaji and his colleagues to ask the Congress to stay its hands.'

A meeting was accordingly arranged on the 23rd of December at the Viceroy's House, Delhi, when Gandhi and Pandit Motilal Nehru on behalf of the Congress asked for a definite assurance from you that at the Round Table Conference the British Government would support a scheme of immediate establishment of Dominion form of Government in India as a condition precedent to the Congress participating in the Congress. As you could not agree to give that assurance, the Conference fell through. For the moment, however, *I felt that Gandhi was somewhat unreasonable in demanding such an assurance when he was dealing with a Viceroy who was sincerely trying his best to find a solution, and I told him so.* Subsequent events both in India and in England, e.g., the speech of Earl Russell, your own address to the Legislative Assembly on the 25th of January last, the numerous prosecutions of public men for mere expressions of opinion not involving any incitement to violence, and last but not the least, the manner and method by which your Government forced on India Imperial Preference, treating all declarations about the reality of Fiscal Autonomy made by responsible British statesmen as mere scraps of paper and in utter defiance of the advice tendered by the President of the Legislative Assembly that the threat held out to the Assembly by Government should be withdrawn before voting took place because it was in violation of the spirit of the Fiscal Autonomy Convention and also cut at the root of freedom of vote guaranteed by the Government of India Act, have disillusioned me completely; and Gandhi, to my mind, stands vindicated.

The Congress met and declared Complete Independence as its immediate objective; and Non-Co-operation and Civil Disobedience as the weapons with which to attain it. Gandhi gave his ultimatum to you and has now started the movement of Civil Disobedience. The response is spontaneous and countrywide. Hundreds of my countrymen of the first rank have already courted imprisonment, thousands and thousands are prepared to follow them, and even to lay down their lives, if necessary,

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in the cause of the country. The British Government repressed a somewhat similar movement in 1921, by all sorts of means, fair and foul, imprisoning thousands of Congressmen. But that movement has left behind a wonderful awakening and a desire for freedom among the masses throughout the country. That awakening and that desire are now an asset in this movement, and though you might temporarily suppress it, it is bound to have its ramifications in unfathomable but dangerous directions.

I have a feeling that every action of yours in this connection, e.g., the appointment of the Simon Commission, your unwillingness to take Congress leaders into your confidence before you made your announcement, etc. was based on the wrong advice that Congress and Gandhi had not that hold on the country and that following which I always represented they had. I know it is not your fault. Any other man, however well-meaning, as you are, surrounded by people some of whom are by no means friendly to the Congress and the country and others hopelessly out of touch with the realities of the Indian political life and who could not under the circumstances be expected to give the right advice, would act similarly as you have done. Events of the last few days, I am confident, must have been an eye-opener to you, and at this juncture I desire to tender my final advice. I would ask you to lay aside, in the larger interests of our respective countries, all considerations of prestige and invite Gandhi for a settlement. I shall be told that Parliament was the ultimate authority and therefore no other authority had any power to give any undertaking which would commit Parliament. I have never been able to understand this argument. It is no doubt true that, technically, Parliament is the supreme authority. But there is nothing to prevent the British Government to give an undertaking that, so far as they were concerned, they were prepared to make certain proposals to Parliament. It is such an undertaking that Gandhi demands: It is on the basis of such an undertaking that the Conference would meet and discuss such outstanding questions as would be still left open, such as the number of British troops and officers that should remain in India under the control of a responsible Minister and the period and other terms and conditions of such an arrange-

ment, the question of foreign affairs in the meanwhile, and the question of Indian States. Barring these three matters, on which agreement could be reached at the Conference, no other question regarding the administration of India should be open for discussion at the Conference. The Conference must take the form of a meeting of the plenipotentiaries of both countries to discuss and arrive at an agreement on these and kindred questions.

It is true that the Congress has now adopted complete independence as its object (objective?); but I am not without hope that if without any further sacrifice and delay India is offered complete responsible Government within the British Commonwealth of Nations, she would be prepared to accept it, and perhaps *such responsible Government is more to her advantage in her present condition than isolated independence*. As I stated to the Assembly on the 21st of January 1930, I have always maintained, and still maintain, the change in the Congress creed notwithstanding, that the relations between Great Britain and India can only be finally adjusted on the basis of India's right to Dominion Status being acknowledged without any reservation, and the method of giving effect to that decision being examined in some joint and equal Conference between the plenipotentiaries of the two countries, and that the greater the delay in finding a solution of the problem on these lines, the lesser the chances for a favourable atmosphere for the purpose and its general acceptance in this country. As you are aware, I have missed no opportunity during the last four years that I have been in the Chair of the Assembly to press this view as strongly as I can upon your attention. No doubt, such a settlement would have been more welcome before the last Congress, but (for?) at this stage it was bound to leave in the country a party advocating complete independence and denouncing those who accept the settlement. This, however, would be a matter of domestic concern to be fought out by the two parties in India. But I must utter a word of warning. If this movement is suppressed, and the solution of the problem such as I have suggested is further delayed, all those Indians who would thereafter talk of Dominion Status for India would be condemned as traitors, and the

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possibility of having India as a self-governing unit in the British Commonwealth of Nations would be lost for ever.

I fully appreciate the difficulty of the position in which you have found yourself, and I know that no one wishes more than you that the affairs of India may again be speedily guided into smoother waters. May I, therefore, hope that you will take due note of the recent manifestations of the determination of the people of India to attain freedom at any cost and use your great influence with the British Government accordingly? But if for any reason you find yourself unable to persuade the British Government to accept in substance the suggestion I have made, *my advice is that you should tender the resignation of your high office* rather than allow your great name to be associated with a campaign of repression designed to suppress the legitimate aspirations of the 320 million human beings. You have so far endeavoured to serve India well and you would have served her even better if you had been correctly advised. You would serve her best by resigning if you find that the situation is beyond you and you have to choose between repression and resignation. But I know you hold a unique position in the Councils of the Empire today. You have rare opportunities. You sincerely believe in solving India's problem. Your influence with all parties in England is great, and you enjoy in abundant measure the confidence of the Secretary of State for India and the British Government. If, therefore, you take courage and rise to the occasion, you will serve both India and England as no man has served in the past. If you fail, it must be India's good-bye to England.

To His Excellency Lord Irwin,

P.C., G.M.S.I., G.M.I.E., Governor-General,
Viceregal Lodge, Simla.

Holcombe,

Simla, the 25th April, 1930.

I hereby beg to tender my resignation of the Office of President and also of the Membership of the Indian Legislative Assembly. In doing so, I take the opportunity of giving Your Excellency some idea of the difficulties and obstacles the first elected President had to encounter in the discharge of his duties

and also of stating briefly the reasons which have impelled me to tender my resignation.

I have been in the Chair of the Assembly since August 1925. Strict impartiality, and more than that, absolute independence have guided my conduct throughout. Neither a desire for popular applause nor a fear of bureaucratic frowns have I allowed to influence my conduct at any time. I may have made mistakes; but I can say with clear conscience today that on no occasion have I been actuated by any personal or political feeling, and in all that I have said or done I have, according to my poor judgment, endeavoured to consult the best interests of the Assembly and the country.

By unflinching adherence to these two principles in the discharge of my duties under circumstances however difficult, I brought down on my head the wrath of the bureaucracy. It is, no doubt, true that they tolerated my adherence to these principles up to a point; but in matters that really mattered to them, it was a different story. King's Government must be carried on, and even the Speaker of the popular Assembly is expected to behave and to make it easy for the bureaucracy to carry on. I gave them no quarters and refused to be a part and parcel of the administration or be subservient to them on any matter, however vital from their point of view, and in the result, harassment and persecution was my lot at least for the last three years. The Chair had been a bed of thorns for me throughout. They went to the length of organizing and carrying out a social boycott of the President of the Assembly. They condoned — to use a milder term — all sorts of attacks in the press, and otherwise, on the impartiality of the Chair in the most unbecoming language imaginable. I could not retaliate nor could I speak out, and I had to bear all this in solemn silence all the time. The only relief I had was when on occasions I spoke out my mind to some extent to Your Excellency in private.

The authority of the Chair and the dignity of the House were matters of no concern to them, or rather it was their special concern, on occasions, to endeavour to undermine them and lower the Chair in the estimation of the public. As if this was not enough, a clique of underlings determined on a campaign of

vilification, abuse and misrepresentation of the President was allowed to thrive, doing its work unhampered. One of the items of its programme was to prejudice Your Excellency against me. How far they have succeeded in that object, it is not for me to say.

Certain correspondents of newspapers in India and in England had always free access to this clique and received at its hands every encouragement and inspiration. Columns of these newspapers were at the disposal of the clique for its campaign against the President, with the result that to the ordinary white man, not only at the Headquarters of the Government of India but throughout the country, the occupant of the Assembly Chair became an eye-sore, so much so that his exit from the Chair would be hailed with a sigh of relief and even delight by him.

In these circumstances, it should not surprise Your Excellency to learn that I had been shadowed and my movements had been constantly watched. It seemed to me as if there was a deliberate and organised conspiracy to persecute me in order that I might, in sheer disgust, tender my resignation and thereby supply a handle to the enemies of India to demonstrate that Indians are unfit to hold such responsible positions. It was an open secret that the Government of India and their officials had no love for me and tolerated me in that Chair because there was no way by which they could remove me except by a direct vote of censure. But they were never sure of getting a majority in the House to pass such a vote and perhaps you would not lightly allow such a motion to be tabled.

In the midst of all these difficulties, I carried on, because I believed that I was serving my country by doing so. Fortunately, when matters had come to a crisis, I had won and they had lost. A man with weaker nerves would have resigned long ago or become subservient to them. I did neither, but stuck to my post and laid down precedents and conventions and gave rulings which, I venture to think, might do credit to any Assembly in the world.

My tenure of office had throughout been a period of one continuous struggle between the Chair and the Assembly on the one hand and the Government on the other, and in spite of the

many limitations imposed upon me and the Assembly by the Constitution, I had always endeavoured to uphold and enlarge the authority of the Chair and the dignity, the rights and privileges of the House against the powerful bureaucracy, and I believe I have, to a certain measure, succeeded. These five years have been to me so strenuous, so full of worries and anxieties that it has seriously impaired my health. My only solace is in the feeling that I still retain the confidence of my people.

It is not my purpose to blame any particular individual or individuals. My complaint is against the system under which all these horrible things which I have just described are possible, and the sooner such a system is put an end to the better for all concerned.

Notwithstanding all the harassment and persecution, I should have certainly continued to occupy the Chair if by doing so I had thought that I would better serve my country. But I am convinced that, under changed conditions, my usefulness as President of the Assembly has entirely ceased to exist.

Owing to the boycott of the Assembly by the Congressmen in obedience to the mandate of the Lahore Congress, followed recently by the resignations of the Leader of the Opposition, Pandit Madan Mohan Malaviya, and a band of his loyal followers as a protest against the manner and method by which the Government of India forced down the throat of an unwilling Assembly the principle of Imperial Preference, the Assembly has lost its representative character, and when speaker after speaker got up on the Tariff Bill discussion and said that, by the attitude adopted by the Government of India, namely that the Assembly must accept British Preference or the mill industry of India must go to wreck (rack) and ruin, they would be compelled to vote against their conviction and not on the merits of the Government proposals, I felt (wondered?) whether it was worth while any longer presiding over an Assembly where it was not possible for the President to safeguard even the freedom of the vote supposed to have been guaranteed by the Government of India Act. It goes without saying that the Assembly would hereafter exist merely to register the decrees of the Executive, and I would be doing a disservice to my country if I continued

to lend false prestige to such a body by presiding over it any more.

Apart from these considerations, in the grave situation that has arisen in the country, I feel that I would be guilty of deserting India's cause at this critical juncture if I were to continue to hold the office of the President of the Assembly. On the 21st of January 1930, in explaining my position, as President of the Assembly, in reference to the Resolution of the Lahore Congress I had used these significant words:

'Whilst, therefore, I am quite clear that it would be wrong and indeed dangerous for any President to act on the mandate of any political party in or outside the House, I am equally emphatic that, circumstanced as India is, a situation might arise when in the larger interests of the country the President of the Assembly might feel called upon to tender his resignation with a view to a return to a position of greater freedom..'

I have no doubt in my mind that such a situation has now arisen in the country. My people have been engaged in a life-and-death struggle for freedom. The movement of non-violent Non-co-operation and Civil Disobedience initiated by the Indian National Congress under the leadership of Mahatma Gandhi, the greatest man of modern times, is in full swing. Hundreds of prominent countrymen of mine have already found their place in His Majesty's jails; thousands are prepared to lay down their lives if necessary, and hundreds of thousands are ready to court imprisonment in the prosecution of that great movement. At such a juncture in the history of the struggle for freedom of my country, *my proper place is with my countrymen* with whom I have decided to stand shoulder to shoulder, and not in the Chair of the Assembly.

As Your Excellency is aware, I was endeavouring in my humble way for the last four years that you have been at the helm of affairs in India to prevent such a situation from developing. I had all along pleaded that the crisis could be averted only Dominion Status without reservation, and the method of giving by the frank and full recognition of India's claim to complete effect to that decision being examined in some joint and equal conference between the plenipotentiaries of the two countries. In

another letter (kept?) herewith I have stated in some detail the result of my endeavours on these lines. That letter, therefore, may be treated as a part of this.

I confess I felt for a time that better days were in sight and India would soon secure her legitimate place as a free and self-governing unit in the British Commonwealth of Nations without further sufferings and sacrifices. But the recent events both in England and India have completely disillusioned me, and I have now come to the deliberate conclusion that all talk about the so-called change of heart on the part of the British Government and change of spirit in the day-to-day administration of this country and (the?) Dominion Status being in action in India is merely an eye-wash, is as unreal as the Fiscal Autonomy Convention and is not to be found anywhere translated into action in any shape or form. In these circumstances, I have no doubt whatever that there is no desire on the part of the British Government to recognise the justice of the claim made by the Congress and satisfactorily (to) settle India's problem to the lasting benefit of India and Britain alike. On the contrary, there has been abundant evidence in the recent actions of the Government in all parts of the country that, true to their traditions, they have launched on a policy of ruthless repression designed to crush the legitimate aspirations of a great people, I am convinced, therefore, that Mahatma Gandhi stands fully vindicated in the attitude he had taken up — that he was not prepared to advise the Congress to participate in the Round Table Conference in London unless there has been a full and frank recognition of India's claim to complete Dominion Status without any reservation and unless it was made clear that the Conference was to meet to explore methods of giving effect to such decision. In such a situation the only honourable and patriotic course open to me is to sever my connection with the Government of India, which I hereby do by tendering my resignation, and take my legitimate place in the fight for freedom side by side with my countrymen. I only hope my indifferent health will not prevent me from actively participating in the movement, but in any case *I shall be giving at least my moral support to it by this resignation.*

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In the end, I desire to place on record my sincere appreciation of your friendly feeling towards me and of the advice you gave me from time to time and of your uniform courtesy and kindness (throughout?).

Two instances, in particular, of your special regard for me I shall always remember with gratitude. During my term of office, my constituency was in serious trouble on more than one occasion — (1) in 1927, owing to unprecedented floods; on that occasion Your Excellency at my request visited the flood-stricken area and moved about from village to village under the most trying conditions and expressed to my people your personal sympathy which they needed so much at the time; and (2) in 1928, owing to unjustifiable enhancement of land revenue in the Bardoli Taluka; there too, Your Excellency at my request used your good offices with the Government of Bombay to settle the trouble which was about to result in a serious crisis.

I now close with an assurance to Your Excellency that, although my official connection with you ceases from today, my personal regard for you shall ever continue as hitherto, and with a hope that we might some day meet in our unofficial capacity and without reserve exchange notes on our respective actions in our official capacity.

Viceregal Lodge,
Simla, 26th April 1930.

Dear Mr. Patel,

I have to acknowledge the receipt of your two letters dated April 25th, in which you submit your resignation of your office as President of the Assembly, and discuss at length the reasons that have led you to that decision.

Your letters make it plain that your course of action is not one that could be influenced by reasonable argument, and it is evident that nothing is to be gained by a detailed reply. Nor is it necessary for me to vindicate the officers of my Government against charges which bear on their face their own refutation. You have however given an account of various conversa-

tions you have had with me during the time we were in official relations, and though I am not in a position to question the explanation of your motives and actions, I must claim to be the best interpreter of my own. One conspicuous example of a misunderstanding of events lies in your belief that it was at your request or in accordance with your advice that my Government discharged its responsibilities in connection with the movement for refusal of payment of land revenue in the Bardoli taluka in 1928.

I regret that our official connection should have terminated in such circumstances, and can only hope that you and those with whom you are once again to be openly associated may come to realise how grave a wrong you do to India by rejecting the way of peace that lies open through free conference with His Majesty's Government, in order to encourage your countrymen to deliberate and dangerous defiance of the law.

Yours sincerely,

(Sd) Irwin.

The Hon'ble Mr. V. J. Patel.

The bitterness of Irwin could be easily understood by those who were in the know of the top secret of the peace negotiations that were being carried on, through Vithalbhai, with Gandhiji at Dandi. Many a prominent politician of those days knew that the last set of peace proposals made to Gandhiji were far more valuable than Gandhiji had ever received before or after. Practically they amounted to full Dominion Status — the provinces being given full responsibility, and Defence and Foreign Affairs being the only portfolios at the Centre which were to have the control of the Executive on them. Even these reservations were to be open for discussion at the Round Table Conference in London. For reasons best known to Gandhiji and his immediate associates these overtures were treated with contempt; and circumstanced as he was, Irwin could go no further.

News of Vithalbhai's resignation flashed like lightning all over the country. Telegrams poured in from all quarters, congratulating him on his 'patriotic exit and worthy statement',

among others from Sarojini Naidu, Bidhan Roy, Brelvi, Satyapal and Abhyankar.

On the 5th of May, 1930, Gandhiji was arrested, just after he wrote his second letter to the Viceroy apprising him of his intention to raid the Dharsana Salt Works. On May 19th, George Slocombe, the enterprising representative of the *Daily Herald* managed to interview Gandhiji in the Yeravada Prison (Poona), and tried to ascertain from him the conditions on which he would be prepared to call off the movement. Gandhiji told him that the movement could not be stopped unless a definite guarantee was forthcoming of the 'substance of independence.' On June 25th, Slocombe drafted a statement outlining the basis of negotiations, and sent it to Sapru and Jayakar with a view to interesting them in the cause of peace. Henceforward the matter was in the hands of these two men who strove their best to achieve peace, but without success.

With his resignation, Vithalbhai had not given up all hope of a satisfactory solution of the constitutional problem, but he was now more occupied with his work as Chairman of the Peshawar Inquiry Committee, and in the propaganda for the boycott of foreign cloth.

Of his work as the Hon'ble the President of the Legislative Assembly it is difficult to speak too highly. The constant conflicts between the Chair and the Government of India on matters affecting the rights and privileges of the House and the dignity and authority of the Chair; the abject apologies which he extracted from Crerar, the Home Member on his behalf and on behalf of the Government of India; the taming down of the Commander-in-Chief himself; the expression of regret by the Viceroy in the Assembly to the Chair and the House when he criticised or seemed to have criticised Vithalbhai's ruling in connection with the Public Safety Bill; the obtaining of real control over the inner precincts of the Assembly after a strenuous struggle with the Government and the Police chiefs; the closing of the Public Galleries for a period of two months, making the Government eat humble pie and recognise the virtual supremacy of the President within the Assembly sector; and the separation of the Assembly branch from the Legal Department — a re-

form which Sir Frederick Whyte himself, with all his efforts, had failed to achieve — were some of the more prominent achievements that stand to the credit of this fiercely independent, and withal, a perfectly impartial President of the Indian Legislative Assembly. Vithalbhαι laid down many a convention and established many a precedent, and these are being quoted and will continue to be quoted for a long time to come, even in Independent India, by his successors at the Centre and by the Speakers of all the Provincial Councils of India. If the achievements of Vithalbhαι are not recognized at their full value in certain quarters, that is due to a definite bias in those quarters against those who could not and would not identify themselves with the orthodox Non-Co-operation Movement. Pattabhi Sitaramayya is a glaring instance of those detractors of Vithalbhαι. Even such a thing as his resignation, on which he was complimented on all sides, does not find recognition in Pattabhi's *History of the Congress*. Is it necessary to make any comments on this mischievous omission?

Chapter Forty-Three

PEERAGE AND PENSION

JUST two days before Vithalbhair's resignation fell into the hands of the Viceroy, *i.e.*, on the 23rd April, the Bengal Ordinance was renewed, and just two days after his resignation, *i.e.*, on the 27th of April, an Ordinance reviving the powers of the Press Act of 1910, as newly amended, was promulgated. The age of Ordinances and repression verily began in right earnest.

On the 3rd of May, Vithalbhair visited Calcutta along with Malaviyaji in connection with a campaign for the boycott of foreign cloth. On account of an order of the Police Commissioner prohibiting public meetings and processions in Calcutta at the time, no reception or procession of any sort was organised, as otherwise it would have been, in honour of Vithalbhair. Nevertheless, by the time his train was scheduled to arrive at the Howrah station, a huge concourse of people had gathered there to accord him a cordial welcome to Calcutta after his resignation. The crowd was so large that the car, in which he was seated with Mr. D. P. Khaitan and Pandit Govind Malaviya, son of Pandit Madan Mohan Malaviya, could but move very slowly. By the time the car reached Harrison Road, the crowd had swelled into 'a vast sea of heads on all sides.' Vithalbhair was then standing in the car returning the greetings which were enthusiastically offered to him. Just then, a Police officer in uniform made his way to the car and said: "This is a procession." Pandit Govind Malaviya told him that they were only going to the place where Vithalbhair was going to stop for the day, and that if they were prevented from so doing, that would only excite the crowd. The police officer seemed satisfied, and said: "Will you drive faster?" Panditji replied that they certainly would, only if the way were clear. A little later a force of fully armed police, over a hundred strong, was drawn up alongside

the road. On reaching the Central Avenue, the car turned in that direction for the purpose of getting away, as far as possible, from the crowd. There was, however, a fairly large number of people who still continued to run with it. The car did develop a fair speed, and yet the people would not keep back, and a number of them kept running in front of the car, and many more behind it. As the car drove past the Medical College, a posse of mounted police galloped towards it from behind. Soon enough they overtook the car and the crowd round about the car, went ahead of them, turned about and formed a line across the road. The car stopped, and along with it the crowd. Panditji rose in his seat, with a view to requesting the police officer in charge to let them pass. But hardly had the Panditji stepped on the foot-board when, without any notice or warning whatever the whole police force drew their regulation lathis and fell pell-mell on the crowd and started assaulting them. Two of the European police officers now reached the car itself and aimed heavy blows against it. All these blows fell on Panditji, as he was standing on that foot-board which was on the side from which these officers attacked the car. Panditji was hurt all over the body, particularly on the head and in the legs and on the left shoulder. If Panditji had not been standing on the foot-board at the time, some of these blows would most certainly have fallen on Vithalbhai and Khaitan. The last blow which fell on Panditji's head was so severe that it stunned him and made him unconscious. The *Free Press* sent a statement, more or less in these words, made by Panditji, and another made by Vithalbhai himself, corroborating this account, to the Telegraph office for despatch to newspapers all over the country. The telegram was deemed 'objectionable' and returned to the sender. The Associated Press was supplied with copies of these statements, and they telegraphed only garbled reports of the incident.

Vithalbhai's statement contained the following paragraph:

"There was no procession so-called, and if the Police had used their discretion, and waited for a couple of minutes more, our car would have left behind those *few who were running in front of it*. But, without notice and without any warning, the Police indiscriminately charged with lathis the people, in

front, by the side, and behind the car. Our car was moving moderately fast, and in a minute it would have become impossible for those in front, to keep pace with it. But the *white* police officers would not allow the occasion to let go without demonstrating the might of the British Raj. It may be noted that the car was attacked by the two European officers only, and not one of the Indian Police came near the car."

Among the volunteers of the Howrah Volunteer Corps, who were in this crowd and who were seriously injured were: (1) Batakristo Chakerbarty, (2) Napur K. Pal, (3) Nanda Kumar Mukerjee, (4) Ram Padarat Panday, (5) Monoranjan Dey, and (6) Sibnarayan Chatterjee.

Very soon after this Gandhiji was arrested. In fact he was removed to Yeravda (Poona) jail on the morning of the 5th of May. Gandhiji's arrest was followed by spontaneous demonstrations of sympathy all over the country. The arrest came immediately after his second letter to the Viceroy, in which he had apprised the Viceroy of his 'intention to set out for Dharsana and reach there with my companions and demand possession of the Salt Works.' It should be remembered that this time Gandhiji had not made the mistake he had made on the eve of his arrest in 1922, of warning his co-workers and the country against demonstration of any kind. On the contrary, he had said: 'this time, on my arrest, there is to be no mute, passive non-violence, but non-violence of the activist type should be set in motion, so that not a single believer in non-violence, as an article of faith, for the purpose of achieving India's goal should find himself *free* or *alive* at the end of the effort, to submit any longer to the existing slavery.'

And so the Dharsana project was pursued even after Gandhiji's arrest, along with several other projects of Civil Disobedience. The venerable Abbas Tayabji took the place of Gandhiji and led the Salt Satyagrahis till the 12th of April, when he was arrested. Arrests and lathi-charges, of course, went on as merrily as ever. Volunteers raided the salt depot and were lathi-beaten by the police who did not mind inflicting the severest injuries on them. Sarojini Naidu followed the venerable Abbas Tayabji as the leader of the Dharsana Salt Satyagrahis. She and her batch of volunteers were

formally arrested on the 16th, taken out of the police cordon, and then released. But the volunteers that thereafter rushed towards the salt depot were beaten and chased out. On that day over 220 volunteers were arrested by the police on a charge of being members of an unlawful assembly, and were detained in the segregation camp at Dharsana. A mass raid at Dharsana took place on the 21st of May in which 2,500 volunteers from all parts of Gujarat took part. Gandhiji's old colleague, Imamsaheb, led that raid. The volunteers commenced that raid in the early morning. They attacked the salt heaps at different places, and the police lathi-charged them and beat them back. When this had gone on for about two hours, the leaders, Imamsaheb, Pyarelal, Manilal Gandhi and Sarojini Naidu were arrested. The total of injured volunteers on that day came up to 290. One injured volunteer, Bhailalbhaji Dajabhai died, as also Babu Hule from Maharashtra, from the effect of the injuries. With the help of the military, the police then practically isolated Dharsana and Untadi by blocking the main road leading to these places and preventing any car or pedestrian from going along it.

The way in which the raiders were dealt with by the police caused considerable public indignation. Onlookers were aghast at the gruesome spectacle. Hussain, an ex-Judge of the Small Causes Court, Bombay, K. Natarajan, and G. K. Devadhar, who personally watched the Dharsana raid, issued a statement, in which, *inter alia*, they said:

'They saw with their own eyes that after the Satyagrahis were driven out of the salt boundary, mounted European Sowars rode at full gallop with lathis in their hands beating people between the spot where Satyagrahis had reached for raid and the village itself. They actually galloped full speed through the streets of the village, scattering men, women and children. Villagers ran into bye-lanes, and closed themselves in houses. But, if by accident, they were unable to escape, they were beaten with lathis.'

Mr. Webb Miller, writing to the *New Freeman*, thus expressed his abhorrence of the sights at Dharsana:

'In eighteen years of reporting in twenty-two countries, during which I have witnessed innumerable civil disturbances, riots,

street fights and rebellions, I have never witnessed such harrowing scenes as at Dharsana. Sometimes the scenes were so painful that I had to turn away momentarily. One surprising feature was the discipline of the volunteers. It seemed they were thoroughly imbued with Gandhiji's Non-Violence creed."

Similar raids, with similar police atrocities, were carried on all over the country.

It was in this atmosphere that Vithalbhai returned to Bombay after his resignation. His popularity in Bombay was, of course, unique. Thousands of people mustered together at Bori Bunder to welcome him on his arrival. There happened to be no order in Bombay at the time, as in Calcutta, against processions, and it was therefore possible for the people of Bombay to arrange a right royal procession for him. He was taken through almost all the main streets of Bombay, and, in a procession, over a mile long, people vied with one another in according him a most cordial welcome.

On his return to his own province, he took the earliest opportunity to see for himself the extent of the havoc wrought by the ruthless police repression at Dharsana. He was shocked to witness those gruesome scenes. Coming back to Bombay, he gave a description of them to the Bombay public. While speaking against this police repression, he also spoke, particularly in a public meeting on the Azad Maidan, against the use of foreign cloth. He exhorted his audience not only to boycott foreign cloth, but asked them to boycott the cloth produced by the Indian mills.

Very soon after his resignation, Vithalbhai was elected member of the Congress Working Committee, which office he had relinquished when he was elected President of the Assembly. On the 14th of April, Pandit Jawaharlal Nehru had been arrested and convicted, and Motilalji had become the acting President of the Congress. Motilalji appointed 'the Peshawar Enquiry Committee, consisting of Vithalbhai, as Chairman, and Maulana Abul Kalam Azad, Maulana Abdul Qadir Kasuri, Sardar Sardul-singh Caveeshwar, Lala Dunichand of Lahore and Dr. Syed Mahmud, as members, with power to co-opt, to inquire into and report on the happenings at Peshawar on the 23rd of April, the

events preceding and following these happenings, constituting the causes and effects of those happenings, and such other matters connected therewith as may arise in the course of the inquiry.' The Working Committee of the Congress endorsed this order in their meeting at Allahabad, on the 14th of May, 1930. The Acting President requested the Chief Commissioner of the North-West Frontier Province that the Committee be allowed to proceed to Peshawar to hold the inquiry without interference or obstruction and invited local officials to appear and lay their case before the Committee. A copy of that communication was also sent to the Viceroy. The authorities concerned informed the Acting President that the Chairman and members of the Committee would not be allowed to enter the Frontier Province. The Working Committee thereupon requested the Chairman to select such other place, outside the Frontier Province, as he may consider suitable for the purpose of the inquiry. Vithalbhai then issued a Press notification that the regular meetings of the Committee would be held at Rawalpindi on the 27th of May, 1930 and the following days, and that those persons who desired to give evidence should appear before it accordingly and, if possible, submit their written statements to the Rawalpindi Congress Committee. Maulana Kasuri was arrested before the 27th and therefore could not join the Committee. Azad and Syed Mahmud, on account of some other reasons, were not available to the Committee on the 27th. The rest of the members co-opted Maulana Mufti Kifaytulla, President of the All-India Jamait-ul-Ulema, Delhi. The Committee thus began its work with four members. By the 4th of June they finished examining 70 witnesses. On the night of the 3rd, or the morning of the 4th, i.e., at 12-15 a.m. Sardar Sardul Singh was taken into custody by the Punjab police, and therefore from the 4th only three members constituted the Committee. R. S. Pandit acted as the Honorary Secretary.

Jivan Lal Kapur represented the people of the Frontier Province, throughout the inquiry. As Government had declined to co-operate with the Committee, Vithalbhai appointed Diwan Daulatrai as *amicus curiæ*, with power to cross-examine witnesses, argue the case and make such suggestions, as he thought

proper, in order to enable the Committee to find out the truth and reach correct conclusions. The Diwan endeavoured to the best of his ability to put the Government point of view before the Committee in so far as it was possible for him to do so in the circumstances.

The Government had appointed their own Committee — known as the Sulaiman Committee, charged with the inquiry into the happenings of the 23rd July. This Committee held their sittings at Peshawar on more or less identical dates.

Vithalbhai and his Committee brought on record all the more important communiques issued by Government from time to time, and also the Press reports of the summary of evidence recorded by the Sulaiman Committee, and thus did all they could to bring on record the other side of the picture, in order to enable them to appreciate the evidence as a whole and to base their discussions thereon.

The happenings at Peshawar in connection with this episode may be briefly summarised as under:

The Congress had notified in Peshawar, on the 7th of April, that picketing of liquor shops would begin on the 23rd of April. The day before, a deputation of the All-India Congress Committee was proceeding to Peshawar, for the purpose of inquiring into the working of the N.-W.F. regulations. This deputation was stopped at Attock and prohibited from entering the province. A procession and a public meeting at the Shahi-Baug, Peshawar, was the result. Nine of the leaders were arrested in the early hours of the morning on the 23rd. Two more were arrested at 9 a.m., but, as the tyres of the lorry in which they were being taken got punctured on the way, they volunteered to appear at the Thana office themselves. They were allowed to do so. When they arrived at the Kabuligate Thana, the Thana was closed. There was a big crowd with them. For half an hour all endeavours to get the gates opened proved futile. Then the Assistant Superintendent of Police arrived on horse-back, and the crowd greeted him with the shouting of National songs. He got angry and left in a huff. The arrested leaders now went inside the police station, and the crowd began to disperse with shouts of *Inquilab Zindabad* and *Mahatma Gandhi-ki-Jai*. All

of a sudden two or three armoured cars came at a great speed from behind, without blowing the horn or giving any other kind of warning, and recklessly drove right into the crowd. Several people were run over, some of whom were killed on the spot, and others seriously wounded. The people were not armed. Government version was they had with them, lathis hatchets, stones and bricks. The findings of the Vithalbhai Committee are clear on the point. The people did not have any of these missiles, but it is quite possible that, though the streets were well paved and there were no big stones anywhere, they could have picked up some small pebbles here and there. Some people went in front of the first armoured car and made a request that the car should stop. As the crowd collected in front of the car, the car was being reversed. At this juncture, one Englishman, a despatch rider, came dashing on a motor cycle. The cycle collided with the armoured car and the motor cyclist fell down and was run over by the car. The Government version was that he was knocked off his cycle by a blow on his head dealt by some one in the crowd and that the armoured car had then run over him. Some one from the car now opened fire. Government version was that it was opened in self-defence, by one of the crew of an armoured car when he was attacked by a 'rioter' with a crow-bar. Then one of the cars accidentally caught fire. Here also the Government version was that the crowd set fire to it. Briefly put, the Government case was that the first order for firing from the armoured car was given only after a British soldier had been killed (not accidentally but deliberately), and an armoured car was set on fire by the crowd and the crew thereof was under heavy attack by the crowd whom they called 'rioters'. Then the Deputy Commissioner came out of his armoured car, and when he was going into the Thana, he fell down on the staircase of the Thana, and was unconscious for a minute or so. Within a minute he regained his consciousness, and ordered the crew of the armoured cars to open fire. As a result of this firing several people were killed and many more wounded, and the crowd was pushed back some distance. The Government version was that the Deputy Commissioner was knocked down senseless by a brick thrown at him by one of the crowd, that he

had to be carried senseless inside the police station, and that, when he regained consciousness, he authorised the troops to fire. The crowd was all along willing to disperse if only they were allowed to remove the dead and the injured, and if the armoured cars and the troops were removed. The authorities, however, expressed their firm determination not to remove the armoured cars and the troops. The second firing then began which lasted for more than three hours, and not only the bazar but the byelanes also were affected by it. The result was a very large number of killed and wounded. For the next two or three days Peshawar became a hell to live in on account of the atrocities of British troops. All of a sudden, on the night of the 25th, the authorities removed not only the military, but also the usual police. The city was thus deliberately left at the mercy of the transborder raiders and plunderers. On the 4th of May the military once more occupied the city, raided the Congress office and the office of the Youth League, removed all papers, cash and property, and mercilessly belaboured a large number of volunteers who happened to be there. On the 31st of May while the Sulaiman Committee was holding its inquiry in the city, the military once more opened fire.— this time on people who were taking, for burial, dead bodies of two children alleged to have been accidentally shot by a British soldier. As a result more than ten men were killed and twenty-two wounded. To screen the ugly happenings from the public eye, the city was isolated from the rest of India, and no public leader was allowed to step into the city.

After a careful weighing of all the evidence before them, Vithalbhair's Committee came to the following conclusions on the main *incidents* of the 23rd of April: (1) There was no outbreak of riot at the Kabuli gate on the morning of the 23rd. (2) The two leaders were not rescued by the people from the police custody. (3) The Asstt. Superintendent of Police was not hurt by a stone from the crowd. (4) The people were absolutely non-violent, and were dispersing when the leaders were admitted into the Thana. (5) The people had no arms, such as lathis, sticks, etc. (6) The Deputy Commissioner, at about 10-30 a.m. on the 23rd, when the people had begun to disperse, rushed with

three or four armoured cars from the cantonment to the city and, without warning, took the people unawares, with the result that the wheels of one or two armoured cars crushed about twelve to fourteen persons, six or seven of whom were instantaneously dead, and the rest seriously injured. (7) Every endeavour had been made and all steps were taken to prevent the above incident being known to the outside public and perhaps even to the higher authorities. (8) The armoured cars were taken to the gate by the Deputy Commissioner in spite of the advice of the City Magistrate, who was on the spot, that, as the crowd was non-violent, unarmed, and had begun to disperse, there was no need for any reinforcements. (9) The Deputy Commissioner took the armoured cars to the Kabuli gate, not as a precautionary measure, but deliberately to create an impression and to strike terror. (10) If the armoured cars had not been brought and rushed into the crowd regardless of consequences, subsequent tragic events of the day would not have happened. (11) The White despatch-rider was not hit or killed by any member of the crowd, but was run over by one of the armoured cars after he fell down by collision. (12) The allegation that the crowd set fire to the armoured car was not true and seemed to be an after-thought intended to serve as a cover for the unjustifiable firing by the authorities, and (13) The Deputy Commissioner *was hit* by a piece of stone thrown by some member of the crowd.

The report of the Committee was signed by all the three members of the Committee, but Kifaytulla did so, subject to a note. He agreed with the whole report except as regards the finding of the majority that Mr. Metcalfe (the Deputy Commissioner) was injured by a stone on the 23rd April. He accepted as indisputable the evidence of one, Mahammad Akram Khan, who had stated that the Deputy Commissioner, while running towards the steps of the Thana, out of nervousness, fell down and struck his head against the edge of the steps and was thus injured.

On the main *issues*, involved in the inquiry, as distinguished from the *incidents*, the Committee's findings were (except as noted in the note above) unanimous. They were as under:

(1) In the situation that had arisen on the 23rd of April,

firing by the armoured cars and the military was wholly unjustifiable. (2) Provisions of law and procedure were not only not complied with, but were deliberately set at naught before orders to fire were given. (3) The Deputy Commissioner, without any warning and without any justification rushed the armoured cars through the unarmed, unresisting and peaceful crowds which had already commenced to disperse after the two leaders were admitted into the Thana, and thereby killed and wounded twelve to fourteen persons. Had he not done so, subsequent tragic events of the day would not have happened. The responsibility for all this was entirely on the Deputy Commissioner. He created a situation by his action. Enraged at the sight of their dead and wounded brethren, some irresponsible persons in the crowd had picked up stray stones and thrown them towards the armoured car. One of the stones did hit the Deputy Commissioner (Kifaytulla would not accept this finding), and this gave a handle for ordering armoured cars to open fire. If the object of the Deputy Commissioner had merely been confined to dispersing the crowd, he could have easily done so by other methods. But there was no desire on his part nor indeed did he make any attempt to deal with the situation in any other way. He had decided to use military force for the sole purpose of striking terror in the minds of the people. (4) Firing was resorted to recklessly, indiscriminately and for inordinate length of time. And it was not confined merely to the Bazar, but was extended to side streets, bye-lanes, balconies and other places round about. (5) The number of persons actually proved to have been killed was 125, but there was no doubt that a much large number must have been killed and a still larger number wounded. Proof in respect of this larger number of killed and wounded it was impossible to secure in the conditions then obtaining in the province. Such proof as had been collected by the Congress Committee after the 29th of April was seized by the military on the 4th of May, since when further inquiries had become impossible owing to the continued presence of the military in the city.

The report was duly submitted to Motilalji, then the Acting President of the All-India Congress Committee, on the 25th of June, 1930. It appears that Vithalbhai had returned to Bom-

bay, soon after the 4th of May, on which day further inquiries into the Peshawar atrocities had become impossible, leaving the record of the enquiry in the hands of Mr. R. S. Pandit, who had been acting as the Honorary Secretary of the Committee. Mr. Pandit had to get the translations made of the relevant statements and exhibits. It appears from a letter of Motilalji to Vithalbhai, dated the 9th of June, that the report was not ready by then, for in that letter Motilalji asked: 'When am I to expect your Peshawar Report?' In that letter, Motilalji had further added: 'You need not wait for the Sulaiman Report, as there can be nothing in common between it and your Report.' Another letter of Motilalji to Vithalbhai — that, dated the 12th of June, makes it clear that the Report was not yet in the process of being written, because in that letter, Motilalji writes: "After the record is in order, he (Mr. Pandit) proposes to prepare a draft report for you, and asks me (Motilalji) whether he may do so in Allahabad. He wants to know whether the Report and the evidence are to be printed in Lahore or elsewhere. The advice I have given him is to come here (Allahabad) as soon as the record is complete, prepare his draft report and take it to Bombay for your approval.' Evidently, the Report was not ready before the 12th of June, and was not printed before the 25th, when it was submitted to Motilalji, the then Acting President. Whether the Working Committee which had this Report on their agenda on the 28th of August (as is clear from the judgment, quoted hereafter, of the Additional District Magistrate, Delhi, who convicted Vithalbhai along with the other members of the Working Committee, on that day) had a printed Report before them is also doubtful, because it appears from a draft pencil note of Vithalbhai (in the present writer's possession) apparently meant for Kifaytulla (to be later placed before the public) that for a very long time that report was not before the public. Probably the Working Committee had before them cyclostyled copies, similar to the one which has been used by the present writer for this book. Vithalbhai's pencil note runs as under:

'I have received numerous inquiries as to why the Report of the Peshawar Inquiry Committee of which I was the Chairman has not been before the public so long. I desire hereby to

inform the public that the Committee's function was to hold the inquiry and submit their Report to the President of the A.I.C.C. Accordingly the Report was submitted to Pandit Motilal Nehru, the then President (be it noted that Motilalji was arrested on the 30th of June, and Vallabhbhai had become the acting President since then), on the 25th of June, several days before the Government of India had released for publication the recommendations of the Sulaiman Committee. There the function of the Committee ended, and it was for the Acting President to take steps to have the Report printed or published. I know that he had passed orders in that behalf, and entrusted the work to Mr. R. S. Pandit, Bar.-at-Law. I have also come to know that Mr. Pandit had found it difficult to get any Press to put the work through, and therefore referred the matter to the new Acting President. I am not aware whether any and what final arrangements have been made to print and publish the Report. So far as the Committee is concerned, it has done its part of the work in good time, and for any delay in having the Report printed and published, the Committee is no way responsible.'

Perhaps the Report would have received wider publicity and would have been more effective, if it could have been published before the Sulaiman Committee's recommendations were released by Government for publication. Any way it was proscribed throughout the whole of India as soon as it was published. A few copies happened to have been despatched abroad, and therefore it did have some publicity. Here in India, however, house-searches continued for months together, all over the country, and every copy that the Government could lay their hands on, was destroyed. It appears, from a letter written, on the 13th of June, 1930, by Chaman Lall to Daulatrai and sent by Daulatrai to Vithalbhau, that, long before either the official or the non-official Report was out, the happenings at Peshawar had attracted attention in England, thanks to private letters sent to England from time to time. Chaman Lall writes to Daulatrai: "Brockway (Fenner Brockway of the Independent Labour Party) wants you to supply him with the fullest reports of the official and non-official inquiries into the Peshawar trouble. I hope you will be kind enough to send them on to me. Your two letters

have been of inestimable value, and I am making extracts out of them for Mr. Benn. I read extracts from them at a meeting I addressed day before yesterday in the London School of Economics. There was a great demand on the part of several people wanting copies of the extracts. The censorship regarding Indian news is just as strict here as at the other end. I understand that the editors of important newspapers in London were approached by the authorities not to utilise scare headlines regarding news from India. The result is that, although soon after my arrival here such headlines were the order of the day, they are no longer so today. Nevertheless, there is a general air of expectancy, like that of a family awaiting a birth or a funeral, in the general public in England.'

Before the Report of the Peshawar Enquiry Committee was submitted to Motilalji, Motilalji had placed Vithalbhai on another important Committee. The first important item which occupied Vithalbhai's mind since his resignation was, as we have seen, the boycott of foreign cloth. In Calcutta, Bombay and elsewhere he had been carrying on his propaganda in that behalf, before he was immersed in the Peshawar Inquiry. That boycott had begun to become more and more effective every day. But other complications arose as a consequence of that very effectiveness. Obviously Khadi could not cope with the entire demand for cloth. Mills had to play their part. Could the mills behave? A settlement had to be effected with the millowners of Bombay and Ahmedabad. Who could be more fitted for this task? Motilalji drafted on Vithalbhai's services, as can be seen from the following letter which Motilalji wrote to him on the 9th of June, 1930:

Allahabad, June 9, 1930.

My Dear Patel,

You have proved yourself to be so useful that before you have finished your labours on the Peshawar Enquiry Committee I cannot think of any one more suited than yourself to act on another important Committee.

A good deal of correspondence has passed between me, Shankarlal Banker, Ghanshyamdas Birla and Ambalal Sarabhai on the question of a reasonable settlement with the millowners

of Bombay and Ahmedabad to secure (1) the prevention of spurious khadi being sold as the genuine stuff, (2) the prevention of profiteering by millowners, (3) the elimination of swadeshi cloth in which foreign yarn is used, (4) certification of certain mills by the Congress, etc.

So many different views and aspects of the above question have been presented to me that I find it impossible to reconcile them or to come to any conclusion regarding them without a personal discussion between the millowners and some of us. It is my intention to go to Bombay if there is any likelihood of a fair settlement. I have therefore for the present appointed a small Committee consisting of yourself and Shankarlal Banker with power to co-opt to go into these matters and to let me know after you have made some progress whether my presence is necessary. On hearing from you I shall leave at once unless the benign Government relieves me of my worries by putting me out of their reach. Indeed I shall be surprised if after the resolutions we have passed at the last meeting of the Working Committee, the Congress as a whole or at least the Working Committee is not declared an unlawful body and the present members are not safely lodged in prison. I enclose a copy of those resolutions for your edification.

If you want to communicate with me on any important subject the only possible way of doing so is by special messenger. If you keep in touch with the Congress office you will perhaps know when they are sending their despatches.

When am I to expect your Peshawar Report? You need not wait for the Sulaiman report as there can be nothing in common between it and your report.

Yours sincerely,
(Sd) Motilal Nehru.

Sjt. V. J. Patel, Bombay.

It appears that the Committee did their work. Motilalji could come to Bombay, before his arrest, and could negotiate with the Bombay and Ahmedabad mills, and did achieve the seemingly impossible task of persuading the millowners to accept the Congress point of view.

VITHALBHAI PATEL

The Working Committee, which had (1) the arrangements with the millowners, and (2) the Peshawar Inquiry Report on their agenda, along with some other items, met on the 27th of August, 1930, as can be seen from the judgment, quoted below, of the Additional District Magistrate, Delhi, who convicted Vithalbai, along with the other members of the Working Committee, on the 28th of August. The judgment runs as under:

IN THE COURT OF THE ADDITIONAL DISTRICT MAGISTRATE, DELHI

F. B. POOL, Esq., M.B., P.C.S.,
Additional District Magistrate.

CROWN

Versus

1. Pandit Madan Mohan Malaviya. 2. Pandit Gobind Malaviya. 3. *Mr. V. J. Patel.* 4. Mr. Mattra Das Trikamjee. 5. Dr. B. C. Roy. 6. Mr. Deep Narain Singh. 7. Mangal Singh. 8. Mr. Raja Rau. 9. Dr. M. A. Ansari. 10. Ch: Afzal Haq and 11. L. Duni Chand.

Charge under Section 17 (1) of the Criminal Law Amendment Act No. 14 of 1908.

JUDGMENT :

This is a case under Section 17 (1) of the Criminal Law Amendment Act No. 14 of 1908. The 10 accused have been sent up for trial for being members of an unlawful association as declared by the Local Government. The case against them is that they are all members of the Working Committee of the All-India Congress Committee — which body was declared by the Local Government an unlawful association under the Criminal Law Amendment Act of 1908. A meeting of the Working Committee was to take place at the house of Dr. M. A. Ansari (one of the accused) at No. 1, Darya Ganj on the 27th of August

1930 at 3 p.m. The police had received this information through official sources as well as through the newspapers. The Working Committee of the All-India Congress Committee was declared an unlawful association on the 25th of August 1930 and was published in a Gazette of India — Extraordinary: Containing the Notification No. 7636-Home, dated 25th of August 1930 of the Chief Commissioner, Delhi. Part 2 of the Criminal Law Amendment Act is already in force in the Province of Delhi. Its provisions were extended to the province by the Notification No. 7573-Home, dated the 9th of December 1920. Both these notifications have been put in by the Public Prosecutor and I take judicial notice of them.

In the forenoon of the 27th of August, Mr. Senior, Additional Superintendent of Police, lodged a complaint in my Court under the Criminal Law Amendment Act against:

1. Pandit Madan Mohan Malaviya.
2. Gobind Malaviya.
3. *V. J. Patel.*
4. Mattra Das Trikamjee.
5. B. C. Roy.
6. Deep Narain Singh.
7. S. Mangal Singh.
8. Raja Rau.
9. Dr. Ansari and
10. Any other persons that were unknown to him at the time,

and asked me to issue warrants for their arrest as well as search warrants. Warrants of arrest and search warrants were issued and at 3 p.m. Mr. Senior accompanied by his Deputy, Nand Kishore, visited the house of Dr. Ansari at No. 1, Daryaganj. He went into the verandah of the house and asked for the servant or the Secretary of Dr. Ansari to come and see him. A servant came and Mr. Senior asked him to take him to the room where the members of the Working Committee were assembled. This was the drawing room of the house and when Mr. Senior went in, he addressed himself to Dr. Ansari and told him that he had brought warrants of arrest for the members of

the Working Committee as being an unlawful association and asked him whether the gentlemen gathered there were the members of the said Committee or not. He thereupon arrested 8 persons for whom he had warrants. These 8 persons included those named above *except Pandit Gobind Malaviya*. (This is why we get the No. 10 in the second line of the judgment).

In regard to Pandit Gobind Malaviya Mr. Senior did not arrest him because he was assured that he was not a member of the All-India Congress Committee and was not assisting the Committee in the proper sense of the word. He was merely present there in his personal capacity as Secretary to Pandit Madan Mohan Malaviya — his father. Mr. Senior therefore did not arrest him. The Public Prosecutor has today withdrawn the case against him. He is accordingly being acquitted. Besides these persons Messrs. Duni Chand and Afzal Haq were also taking part in the proceedings of the meeting and were taken into custody under warrants given to Mr. Senior by Mian Jagdish Singh, Magistrate. These two gentlemen volunteered themselves for arrest saying that they were members of the Working Committee.

All these gentlemen were sitting around and there were small tables in front of each of them — and before them, on the tables were typed papers headed 'Agenda'. Mr. Raja Rau, the Secretary of the Committee, was seated behind them at a table of his own and was taking notes. A search was made and a number of papers connected with the Congress work of the All-India Congress Committee were taken possession of and an inventory made. This inventory is at Ex: P.F. One of the Books, so taken possession of, is styled "Constitution of the Indian National Congress." It is Ex: P.E. The seven copies of the Agenda were headed as:

Working Committee

Delhi, August 27th, 1930.

Agenda.

and the items for discussion on it are as follows:

1. *Arrangements with millowners.*
2. To define Swadeshi (Dhariwal, Lalimli etc.).
3. *Peshawar inquiry report.*

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4. Working Committee members need not be members of the A.I.C.C.
5. Other matters with the permission of the chair.
6. To consider the continuation of grant to Prohibition Committees.
7. To realize the balance with the Anti-untouchability and foreign cloth boycott Committee.

Secretary.

I mention these items in detail in order to show that the meeting that was taking place at the house of Dr. Ansari was a meeting of the Working Committee of the All-India Congress Committee. In addition to this there is another proof that the gentlemen present there were taking part as members of the Working Committee of the All-India Congress Committee. Ex: P.C. is a pencil list containing the names of 11 persons who were present. The heading again here is:

Working Committee list.

3 p.m.,
1. Daryganji,
Delhi.

This list contains the names of all the accused. In addition there are 2 other names on it, but these two persons have not been produced before me.

There is also one other letter on the file which is marked Ex: P.A., purporting to have been sent from Maulana Abul Kalam Azad appointing Dr. Ansari as President of the Indian National Congress. It is dated the 27th of August and was recovered from inside the attache case of Mr. Raja Rau who is described as Secretary of the Working Committee. The letter (is) attested by Lt.-Col. M. H. Rehman, Superintendent of the District Jail, Meerut, and bears the same date as that given to it by Maulana Abul Kalam Azad. It is important to note that this letter appoints Dr. Ansari as the President of the Congress and in the proceedings of the 27th of August 1930 the word President appears against his name.

The present case against the accused is made for their being

members of an unlawful association. When the accused appeared before me today in Court, I definitely put the question to each of them individually and told them that by the above mentioned notification of the Chief Commissioner the Working Committee of the All-India Congress Committee had been declared an unlawful association. I further told them that the charge against them was that they were members of the said association and were actually present at the meeting of the Committee while at session in Delhi when they were arrested. I asked them to plead whether they were guilty or not guilty. Each of them in turn has absolutely declined to take part in the proceedings. This being so it is only necessary for me to consider whether the evidence that has been offered and produced is sufficient to make a case against them. What we actually find is that a meeting of the Working Committee of the All-India Congress Committee was to take place on the 27th at 3 p.m. at the house of Dr. Ansari, at No. 1, Daryaganj. Three days before this the Local Government had declared this organization to be an unlawful association. At the appointed time the police after securing warrants from me, visited the house of Dr. Ansari and there found a meeting in progress attended by all the accused. The Agenda of the Working Committee was before these gentlemen and the business had started. The business on the agenda shows, without doubt, that the gentlemen, who had assembled there, were no other persons but the members of the Working Committee. This is also borne out by the fact that Ex. P.C. contain(s) the names of the members of the Working Committee of the All-India Congress Committee which had assembled at that place. Even if the letter Ex. P.A. purporting to have been sent to Dr. Ansari be omitted from consideration, there is sufficient material before me to show that the accused were members of the Working Committee of the All-India Congress Committee. If they had not been there in this capacity, I do not see what object was to be observed by having the Agenda before them and their names recorded on a separate list. There is further the voluntary statement made by Messrs. Duni Chand and Afzal Haq that they were also members of the Working Committee and should be taken into custody. Mr. Raja

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Rau is described as Secretary of the Committee and he was seated behind the gentlemen at a table of his own making notes.

None of these allegations are challenged and I can see no reason, whatsoever, for not holding that the accused are members of the Working Committee of the All-India Congress Committee. I hold that they were members except Mr. Raja Rau. He was present in his capacity as Secretary and as such is equally liable with the others. The meeting was actually in being when the police arrived and interfered with their business and took them into custody. I find each of the accused guilty and sentence them to 6 months' simple imprisonment under Section 17 (1) of the Criminal Law Amendment Act of 1908.

Announced, Delhi Jail.

28-8-1930.

(Sd) F. B. Pool,

Additional District Magistrate.

N.B.—I recommend A Class treatment for all the accused.

(Sd) F. B. Pool,

28-8-1930.

Additional District Magistrate.

(Certified to be a true copy.)

(Sd) Chandra Prakash,

Examiner.

Deputy Commissioner's Office, Delhi.

Dated the 29-8-1930.

Authorized by Section 76 of I. Evidence Act.

During this trial, when the Magistrate asked each one of the accused which province and place they came from, presumably with a view to fixing them up in their own province, if possible, Vithalbai replied that his place was between Delhi and Simla. It was probably this reply which accounts for Vithalbai's being assigned to the Ambala prison, whereas all the others were sent to their respective provinces.

It was at this time that he is reported to have said to a Press reporter:

'I have earned my Peerage and Pension.' (A peerage and pension is the reward of Speakers in England when they resign their office.)

It was in this jail that he developed acute abdominal trouble. He was not used to the Punjab cooking. The building in which he was housed was an old dilapidated building. There was no light in the room which was assigned to him. His strenuous work, both in the Assembly (where latterly he did not know whether he was the President or a prisoner) and (after his resignation) in the country, had already shattered his health. The gloomy environments in which he was at Ambala would have broken the physical frame of almost any mortal being. No wonder therefore if, with his already shattered health, Vithalbhai could not bear the strain any longer. Add to this the fact that expert medical advice, such as was absolutely necessary, at this juncture, for him was not available at Ambala. Vithalbhai was, therefore, now removed from Ambala, not to Bombay where he could have got such advice, but to Coimbatore in South India. Why Coimbatore was preferred to any other place we cannot say. Anyway, at Coimbatore, on the 19th of December, he was taken on the operation table for medical examination. By some curious and inexplicable accident, the operation table gave way, and Vithalbhai fell off the table. Fortunately no serious damage was done to his body as the result of that fall, but nothing was done to alleviate his abdominal trouble.

A week after this incident, the Law Member of the Government of Madras called for an official report of it, and on the 5th of January, 1931, a member of the Madras Legislature tabled a resolution asking for the immediate release of Vithalbhai.

In the meanwhile, the first Round Table Conference had met (on the 12th of November, 1930). It consisted of 86 delegates in all, of whom 16 were from the States and 57 from British India. The remaining 13 represented the various political parties of Great Britain. In the plenary Session of that Conference, held on the 10th of January, 1931, Ramsay MacDonald, the then Premier, announced the policy and intention of His Majesty's Government, in the following words:

'The view of His Majesty's Government is that responsibility for the Government of India should be placed upon the Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observ-

ance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by the minorities to protect their political liberties and rights.'

He had further added:

"If in the meantime there is a response to the Viceroy's appeal from those engaged at present in Civil Disobedience, *steps will be taken to enlist their services.*"

As a consequence of this, within less than a week of the termination of the Conference, on the 25th of January, 1931, the Viceroy (Irwin) issued the following statement:

'In order to provide opportunity for consideration of the statement made by the Prime Minister on the 19th of February, my Government, in consultation with Local Governments, have thought it right that members of the Working Committee of the All-India Congress should enjoy full liberty of discussion between themselves and with those who have acted as members of the Committee since the 1st of January, 1930.

'In accordance with this decision and with this object, and in order that there may be no legal bar to any meeting they may wish to hold, the notification declaring the Committee to be an unlawful association under the Criminal Law Amendment Act will be withdrawn by all Local Governments, and action will be taken for the release of Mr. Gandhi and others who are now members of the Committee, or *who have acted as such, since the 1st of January, 1930.*'

Whether under the terms of this statement, or because of his illness, Vithalbhai was released one month before the expiry of the period of his sentence.

Immediately on his release he was brought to Bombay for medical treatment. He was too weak to move about, and was confined to a clinic. An operation had become urgent, and the Bombay doctors advised him to get it done in Bombay. But the political atmosphere that was then developing in India was too depressing for him to bear, and he decided to have it performed, if at all, in Vienna. On the 24th of February, 1931, therefore, he sailed out of India.

Chapter Forty-Four

THE SECOND ROUND TABLE CONFERENCE

IN the plenary Session, at the end of the first Round Table Conference, on the 19th of January, 1931, the Prime Minister of England (MacDonald) had already indicated the desire of the British Government to enlist, if possible, the services of those who were at the time engaged in Civil Disobedience. On that same day the Viceroy (Irwin) had made a public appeal for the co-operation of the Congress in his address before the Indian Legislative Assembly. Men like Sapru and Sastri, who had fully exploited the influence of Gandhiji in the country, at the first Round Table Conference, and who had no illusion in their minds about who could deliver the goods, apprehended that all their labours would be in vain, if the Working Committee of the Congress rejected the advances of the British Premier. For the British Government had not yet offered not only what Gandhiji called 'substance of Independence', but not even such Dominion Status as the Liberals themselves had been demanding. What the Premier had said was this: "Finally, I hope and I trust and I pray that, by our labours together, India will come to possess (probably some day in the distant future) the only thing (what an only thing indeed!) which she now lacks, to give her the status of a Dominion among the British Commonwealth of Nations — what she now lacks for that — the responsibilities and the cares, the burdens and the difficulties (these were presumably the white man's burden), but the pride and the honour (empty bauble perhaps in his eyes!) of responsible Government." Sapru and Sastri were certainly not satisfied with these empty words, but they, in their turn, hoped and trusted and prayed that the Congress would not once more turn down the prospect, however slender, of evolving a Dominion Constitution, for they honestly felt that, if the Congress fully co-operated with them, there was more

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than a reasonable chance of such a Constitution being evolved at this time. They were afraid, however, that the Congress might summarily reject the British Premier's offer. They, therefore, just before leaving for India after the end of the Conference sent a cablegram to the Working Committee of the Congress asking them not to arrive at any decision on the Premier's speech until their arrival in India and without hearing them. Their fears were not unfounded. For the Working Committee, such as it was, consisting largely of *interim* members (the full Working Committee could meet only after the 26th, when all its members were released as a consequence of Irwin's statement of the 25th of January) had passed, on the 21st of January, a resolution, which, however, they had marked, 'privileged', enunciating their reaction to the Premier's offer. They had held that the declaration of the policy made by MacDonald was 'too vague and general to justify any change in the policy of the Congress.' There was, however, some hesitation in the minds of men there assembled about whether it should be published at once. It was ultimately decided to postpone its publication till the next day. Before, however, the next day dawned, this cablegram from Sapru and Sastri reached them, with the result that it was decided not to publish it at all. In the meanwhile, all the members of the Working Committee, *interim* and otherwise, as also Gandhiji, were released unconditionally (on the 26th of January). On the 6th of February, Sapru, Sastri and 24 other R.T.C. delegates made the following appeal to the Congress:

"The scheme represents a bare outline; the details — some of which are of a substantial and far-reaching character — have yet to be worked out. We earnestly hope that the leaders of the Congress and of other parties will come forward to make solid contribution to the completion of the scheme. It is our hope that an atmosphere of complete peace will be created for the consideration of these questions of high import and that the release of other political prisoners who have suffered incarceration for their convictions will follow."

The result of all that was — Gandhiji sought an interview with Irwin on the 14th of February. Irwin's reply came by telegram on the 16th, and Gandhiji left for Delhi at once. Most

of the other members of the Working Committee had also gone to Delhi, but the Working Committee had passed a resolution investing Gandhiji 'with the powers of the plenipotentiary to negotiate a settlement in the name of the Congress.' Gandhiji's talks with Irwin began on the 17th of February.

All this while, Vithalbhai was lying seriously ill in a Bombay clinic. Obviously he could not participate in the discussions of the Working Committee, but he was following very closely the trend of events as they happened. When Gandhiji saw him in the Nursing Home, he was very much perturbed over his discovery that Gandhiji was now all out for peace at any cost. Several Congressmen called on him at the clinic from time to time, among whom were some members of the Working Committee who were proceeding to Delhi. He frankly gave his views to every one of them including Gandhiji. He maintained that negotiations and talks of peace in the midst of a raging battle would be its undoing, would deprive it of all momentum, would side-track the essentials, and would kill all real enthusiasm. If a compromise had to be resorted to, it would have been infinitely more beneficial for the Congress to have attended the first R.T.C. It would have, at least, spared the country the untold suffering through which she had to go. If Gandhiji desired co-operation, he could certainly have secured much better terms in 1930. Irwin had then virtually given him an assurance that India would get what amounted to Dominion Status. He had then stood for committing him definitely and irrevocably to that assurance, not realising that no Viceroy could commit himself in those terms. Did he get it now? Was there any concession in the pact that he now made with Irwin, which Irwin would not have agreed to at that time? In 1930, the Congress could easily have got at least half the number of seats at the Conference. At any rate, the Congress would then have secured a prestige that it absolutely had to deny itself now, when it contented itself with being represented by one man only. This one man representation might have meant a great deal for Gandhiji, the individual, but it certainly meant a tremendous loss to the Congress organisation. Again, Gandhiji was sure to labour under the disadvantage (as he actually did) of having to work

in a conference which was built on sectarian foundations laid by communalists. Vithalbhai could also foresee certain other features of the new situation. Irwin's Viceroyalty was nearing its end. Actually it ended on the 17th of March. What new Viceroy could be so sympathetic as Irwin? Actually Willingdon took his place, and we know with what result. The General Elections were in the offing in England, and it was pretty certain that that meant the replacement of the Labour Government by a Conservative Government and the replacement of the sympathetic Mr. Wedgwood-Benn by some die-hard Conservative. Actually it was Sir Samuel Hoare. All this was foreseen by Vithalbhai, and he would have, if he could, persuaded Gandhiji against entering that pact. In 1930, the Civil Disobedience Movement had not yet started. In 1931, it had gathered such a momentum that there was every prospect of bringing the Government on their knees. At any rate, if the pact was going to come, Vithalbhai would have seen to it that better terms were secured. He certainly would not have allowed Gandhiji to forego the demand for an investigation into the allegations of police atrocities in different parts of India. From the information that trickled from Delhi, he could see from his sick-bed in the clinic that, for some inexplicable reason Gandhiji was bent upon peace at any price. He was keen on remedying the situation, but he was helpless. It was physically impossible for him, at the time, to move about actively, and therefore gave up all hope of influencing Gandhiji's decisions.

Another embarrassing and rather a delicate situation arose at this time which finally determined his future course of conduct. Nominations for the Presidentship of the ensuing Session of the Congress were being invited about this time from the several Provincial Congress Committees. Vithalbhai came to know that his name was being proposed by several Congress Committees. Considering the faith the people had in him, in his sagacity, in his political acumen, and considering his experience and service to the country, it looked as if he would be the chosen one of most of the Provincial Congress Committees. But the mysterious message went round. It was decreed that 'the normal procedure for the election of the President was not pos-

sible under the abnormal conditions that had prevailed for a year', and the Working Committee, under the inescapable influence of Gandhiji, nominated Vallabhbhai to the coveted position. This was the unkindest cut of all. He certainly would not have his name put up against his own brother, but the implied humiliation could not but rankle in his heart. He now decided to go out of India, and to get operated in Vienna. He left Bombay on the 24th of February, 1931.

The negotiations between Irwin and Gandhiji began on the 17th of February, and ended on the 4th of March. Irwin and Gandhiji put their signatures to the resulting pact on the 5th. It consisted of 21 Clauses. Under the pact, (1) the Civil Disobedience movement was to be discontinued; (2) the essentials of the Constitution scheme were to be (a) Federation, (b) Indian Responsibility, (c) safeguards *in the interests of India* (whatever that may mean), for such matters as (i) Defence, (ii) External affairs, (iii) Position of Minorities, (iv) Financial Credit of India, and (v) Discharge of obligations: (3) Congress representatives were to participate in the R.T.C.; (4) the settlement was to relate *only* to the activities *directly* connected with the Civil Disobedience; (5) Civil Disobedience was to be effectively discontinued and reciprocal action was to be taken by Government; (6) Definite discontinuance of the boycott of British goods as a political weapon was to be agreed to; (7) Picketing was to be unaggressive, and not to be specifically against British goods; (8) *Investigation into police atrocities was not to be pressed*; (9) on the discontinuance of the Civil Disobedience Movement Government was to act as in the succeeding paragraphs; (10) Ordinances *re* Civil Disobedience Movement were to be withdrawn; (11) Notifications made in connection with the Civil Disobedience Movement, declaring associations unlawful under the Criminal Law Amendment Act of 1908 were to be withdrawn; (12) Pending prosecutions for Civil Disobedience offences, not involving violence, were to be withdrawn; (13) Amnesty was to be given to Civil Disobedience prisoners; (14) Unrealised fines were to be remitted; (15) Punitive police were to be withdrawn; (16) Movable property seized in connection with the Civil Disobedience Movement was to be returned in certain circumstances; (17) Immov-

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able property also was to be returned in certain other circumstances; (18) Prompt redress was to be given if any dues were proved to have been illegally realised; (19) Liberal policy was to be pursued *re* reappointment of Government servants who had resigned; (20) Local residents in villages were to be allowed to collect salt for their own consumption from adjoining salt-producing areas only; (21) In the event of the Congress failing to give full effect to the settlement, Government were to be free to take such action as they thought necessary for the observance of law and order.

Even a cursory examination of these terms should convince anybody that what Government agreed to was simply this: that, if the Civil Disobedience Movement was withdrawn, Government would also withdraw the consequent repression. Government agreed to nothing more than this. *Re* the question of the Constitution, Government did not go even an inch beyond what the First Round Table Conference had already arrived at. The salt laws were to remain *almost* as they were. Picketing did not permit the distinction in respect of 'British goods.' The release of prisoners clause excluded all but the Civil Disobedience prisoners. In 1930, Irwin was prepared to be much more liberal, at least, in this respect and, generally, in all respects. And yet this pact satisfied Gandhiji so much that, he is reported to have admitted to having *voluntarily* withdrawn his one real demand — the demand for an investigation into police atrocities. The *letter* of the agreement left Government free to carry on merrily with their respective policy, and it should have been clear to every experienced politician of those days that Government officials in general were not likely to be faithful to the *spirit* of that agreement. Be it remembered also that the restricted scope of the amnesty clause alienated from the Congress, not only the revolutionaries and the friends and followers in the Trade Union circles, of the Meerut prisoners, but also the Garhwali prisoners who had refused to shoot, at the behests of their White superiors, the innocents of Peshawar.

When the pact saw the light of the day, there was a great uproar in the country. Even the blind followers of the Mahatma were for a time puzzled. They could not believe their eyes when

they saw those terms in cold print. Was it for this, they speak, that thousands of men and women invited the rigours of jail life? Was it for this that thousands and thousands of men and women underwent the privations and sufferings which had been inflicted on them by the petty officials of the 'Satanic' Government? Was it for this that the men and women of Peshawar stood the firing from the armoured cars? Was it for this that the Sholapur leaders went to the gallows? Was it for this that the Dharsana peasants bore the lathi charge?

They grumbled, but such was Gandhiji's hold on the masses of India that none dared to tell him to his face that he was wrong. Who was there at the time who had the requisite courage? Motilalji had just passed away. Vithalbhai was out of India. There was no third man in the Congress camp who could take any liberties with Gandhiji. Cannot Jawaharlalji to-day hold the pistol of his resignation to the Congressites and make them bend before him? That is the way of dictators at all times and all over the world.

The All-India Congress Committee met on the 26th of March and the plenary Session of the Congress on the 29th. On the 23rd Bhagat Singh and his associates were hanged. The supporters of the Pact were therefore nervous. In fact they did apprehend, for some time, a split in the Congress on that account. But the official party machine of the Congress (let us remember here that Vallabhbhai was the President-elect of this Session) had worked with such thoroughness that the provinces were made to confine their choice of delegates to the undoubted supporters of that pact. Therefore there was no choice for the minority to make their opposition effective, and there was no split. In his Presidential speech Vallabhbhai practically gave the go-bye to the Lahore Resolution on Independence, and advocated Dominion Status for India. The Congress ratified the pact, gave what they called a mandate to the Congress delegation to the R.T.C. (the appointment of which was left in the hands of the Working Committee), and, as sop to the Socialist elements in the Congress, laid down the fundamental rights of the Indian people for which the Congress was expected to strive

The reason why, with all its deficiencies written on its face,

the pact passed muster with the masses was that even some intelligent people seriously believed then that, besides the written, there were several other unwritten terms which could not be disclosed just then.

The plenary Congress itself appointed Gandhiji as their delegate to the R.T.C., but left the appointment of the other delegates, who were to act under his leadership, to the Working Committee.

The Working Committee met on the 2nd of April, and decided that Gandhiji should be the sole representative of the Congress at the R.T.C. Most of the members of the Committee held that the delegation should consist of not less than 15 members. Government was prepared to accommodate even up to 20 delegates of the Congress. The blind worshippers of Gandhiji, however, misled themselves into the belief that Gandhiji was going to London, 'not to hammer out the details of a Constitution, but to negotiate the fundamentals of a treaty', and thus brought them round to the view that one man would better represent India than many. And so it was that, alone in an assembly of about one hundred men, with all kinds of non-descripts, flunkies and self-appointed leaders arrayed against him in a solid phalanx, Gandhiji had to plough his lonely furrow at the second R.T.C.

On the 17th of April, Willingdon took charge from Irwin, and with that event the official attitude began to stiffen in right earnest. By July the Congress headquarters had unmistakable proofs of the pact not being observed on the Government side. Gandhiji handed over to the Home Secretary of the Government of India a 'charge sheet', recounting several allegations of breaches of the pact. The new Viceroy would not agree to the appointment of an arbitrator to inquire into the allegations, but promised an inquiry into the specific allegations made. This satisfied Gandhiji, his previous reluctance to attend the R.T.C. gave way, and he sailed to London, arriving there on the 12th September, 1931.

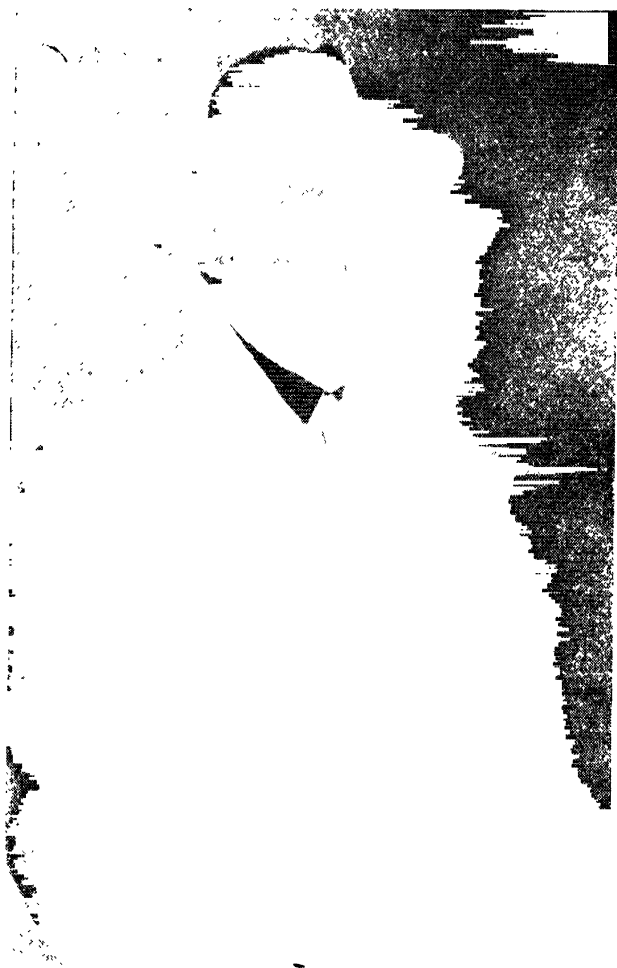
It may be worth while noting here that Chintamani had worked through Vallabhbhai himself for the inclusion of Vithalbhai and Bhulabhai Desai, at least, among the Congress delegation, but without success. It is one of life's little ironies that

the one man who worked for the R.T.C. idea from its very inception, the one man who brought the Congress leaders to the Viceregal Lodge for an honourable and dignified interview with the Viceroy, persuading him to accept that they were the men who could deliver the goods, the one man who had furnished unmistakable proofs of his ability to handle the innumerable, intricate and delicate twists and turns of the political question, was left out and had no place on a body where the most astute diplomacy and the most consummate statesmanship were in demand!

In the meanwhile, Vithalbhai had undergone a serious operation on his intestines in Vienna. His mind, however, was, all the while rivetted to the political developments in India. He was seriously concerned over the fate of the R.T.C., about the outcome of which he had serious misgivings. No sooner, therefore, was he able to move out of his bed, in spite of medical advice to take complete rest till the operation wounds were completely healed, than he ran up to London in the hope of being in some way useful and helpful to Gandhiji.

As soon as Vithalbhai was in London, he gathered that British strategy was to involve Gandhiji into minor issues, particularly the communal issue, so that the representatives of India should fight among themselves and become incapacitated to fight the Government on major issues.

Vithalbhai advised Gandhiji to realise his position as a plenipotentiary, being one of the two signatories to the Gandhi-Irwin Pact, and to come to grips with the main constitutional problem without any loss of time. He suggested that, if any points of conflict arose, he should ask that they should be referred to the League of Nations. Now that Gandhiji had come as the one representative of the Congress, Vithalbhai was keen on seeing that he was not treated merely as one of the crowd of delegates there assembled, and also that the major issue was not side-tracked. Gandhiji, however, was not in a mood to listen to Vithalbhai. Vithalbhai's advice seemed to him gratuitous. 'I and my God' was his response to Vithalbhai's appeal to his reason. God alone could instruct him about how he should proceed. The Mahatma had his own ethics. He was not so



Prof. Dr. Hans Lorenz
Vienna Surgeon

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much a political leader as a World teacher. It appeared that he had gone to London, not for the purpose of negotiating a treaty with the British Government, but for the purpose of preaching, the gospel of Non-Violence and Truth to the materialistic West. In fact, Vithalbhai almost despaired of the Mahatma on this occasion.

In the meantime the representatives of the minority communities there assembled concluded, among themselves the so-called Minorities Pact, as a solution of the Communal question. Dr. Ambedkar had not joined the pact at first. He tried his best to come to an agreement with Gandhiji, if Gandhiji would consent to have a certain number of seats in the Legislatures reserved for the Depressed Classes in a common electorate for all sections of the Hindus. Gandhiji would not look at Ambedkar's proposals. The result was — Ambedkar was forced to join the Minorities Pact. In the light of what followed this was an egregious blunder on the part of Gandhiji.

The Second R.T.C. concluded its labours on the 1st of December, 1931. Gandhiji left London on the 4th, and arrived in Bombay on the 28th. Vithalbhai returned to Bombay, from Vienna, by the same boat (s.s. *Pilsna*), and on the same day. On the 29th, the Working Committee authorised Gandhiji to apply for an interview with the Viceroy (note that the position was now reversed. When Vithalbhai was the Speaker, it was virtually the Viceroy who invited Gandhiji and the other Congress leaders), and Gandhiji sent the following telegram to Willingdon:

'I was unprepared on landing yesterday to find the Frontier and the U.P. Ordinances, shootings in the Frontier and arrests of valued comrades in both, and on top, the Bengal Ordinance awaiting me. I do not know whether I am to regard these as an indication that friendly relations between us are closed or whether you expect me still to see and receive guidance from you as to the course I am to pursue in advising the Congress.'

The Viceroy's reply was to the effect that he was not pre-

pared to discuss with Gandhiji 'any measures which the Government of India, with the fullest approval of His Majesty's Government, found it necessary to adopt in Bengal, the United Provinces and the North-West Frontier Province.'

On the 1st of January, 1932, the Working Committee resolved, *inter alia*, that the Committee was prepared to render co-operation to Government, only if the Viceroy reconsidered his telegram (mentioned above) to Gandhiji. In the event of a satisfactory response not forthcoming, the Working Committee decided to call upon the nation to resume Civil Disobedience.

Gandhiji sent this resolution to the Viceroy, with a covering letter, in which he asked him (the Viceroy) to reconsider his decision and grant him an interview without imposing any conditions as to the scope of the discussion. On the 2nd of January, the Viceroy informed Gandhiji that 'an interview under the threat of Civil Disobedience was out of the question.' Gandhiji's rejoinder was: 'Surely it is wrong to describe an honest expression of opinion as a threat. May I remind the Government that the Delhi negotiations were opened and carried on whilst Civil Disobedience was on. . . . Meanwhile I wish to assure the Government that every endeavour will be made on the part of the Congress to carry on the struggle without malice and in a strictly non-violent manner.'

That was the end of the negotiations. On the 4th of January, the Government of India issued a statement justifying their conduct, and ordered the relevant authorities throughout the country to strike at the Congress organisations and arrest the Congress leaders before they could launch the Civil Disobedience campaign. Gandhiji himself was arrested, along with Vallabh-bhai, on the 4th, but not before the orders for Civil Disobedience were given. Vithalbhai was arrested on the 5th.

Vithalbhai was clapped in the prison at Byculla (Bombay) where he was joined by several of his friends in the Congress camp. He had not yet overcome his post-operation troubles. His sufferings had been mental as well as physical, and yet he had not lost his usual composure. He treated the whole affair of his arrest and imprisonment as mere fun. But about this time his fun had developed a tinge of cynicism in it.

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Next day Vithalbhai and others who were arrested met at the Byculla Jail. Vithalbhai quietly sat down on the floor muttering "Narayan, Narayan," and asked those around him: "Do you know why all of us are here behind the prison bars today?" Some one said, "Because we want freedom for India." "No, no," came the reply. "We are all here because Lord Willingdon refused to see Gandhiji" and if to-morrow the Viceroy agrees to see Gandhiji, we shall all be released." The words were truly significant and only too true!

Vithalbhai had returned to India against medical advice, after his second operation, before his abdominal wounds had healed. The result was that his case became rather serious in the prison. He was, therefore, after a detention in the Byculla prison for some time, and then in Yeravada for a short while, removed to the G.T. Hospital in Bombay for such treatment as he could get there. While he was in that hospital, an order was served on him prohibiting him from leaving the hospital precincts at any time, and from receiving any visitor without the special permission in writing of the Superintendent of the hospital. Vithalbhai had made up his mind not to submit to this humiliating order, but before any ugly situation could develop, he was informed that he was free to proceed to Vienna, if he wanted to consult the doctors who had operated on him.

Vithalbhai availed himself of this opportunity to revisit Vienna, and sailed on the 5th of March, by the s.s. *Narkunda*, the same boat, as that which brought his mortal remains from Switzerland in 1933. Several of his personal friends met him at the Ballard Pier, before he embarked on his boat. That happened to be their last glimpse of him. At about 10 a.m., on that day, was seen by the waiting crowd, for the last time as it turned out, the physically weak and frail Vithalbhai, supported by a walking stick and walking slowly but majestically towards the Ballard Pier. Some of them greeted him with *Namaskars*, while some others fell at his feet. One of them asked him: "When will you return now?" In his characteristically witty tone, he replied: "Only when I become physically fit for jail life."

On the 28th of December, 1931, Vithalbhai had issued a statement on the results of Second R.T.C., as contained in the White

Paper, published at the time. Vithalbhai's analysis of this White Paper is so brilliant and lucid that we feel ourselves justified in closing this chapter with a reproduction of it in full:

IMPLICATIONS OF THE WHITE PAPER

"I should like, in the first place, to explain the meaning and implications of the White Paper, and next to state how far the National demands as embodied in the resolution of the Karachi Congress have been conceded.

At the close of the First Round Table Conference, the Prime Minister announced the policy of His Majesty's Government in regard to India, and the White Paper now issued at the close of the Second Round Table Conference merely reaffirms that policy without any modifications.

It is significant that the White Paper *ignores altogether the most important document, namely the Gandhi-Irwin Pact*, which secured the co-operation of the Congress to the Round Table Conference.

Those who maintained that the Gandhi-Irwin Pact was an advance on the declaration of the 10th of January 1931, must have been thoroughly disillusioned. The words in the pact 'in the interest of India' by which Congressmen swore till yesterday have not been even mentioned in the White Paper.

Conditions in the White Paper.

According to the policy outlined in the White Paper, India is to have responsibility at the Centre, if, and only if, the Central Government and the Central Legislature are constituted on an All-India Federal Basis. Even so, the responsibility is to be subject to the following conditions:

(1) Defence and external affairs are to be reserved to the Governor-General.

(2) Control over finance is to be subject to such conditions as would secure the fulfilment of the obligations incurred under the authority of the Secretary of State, and the maintenance unimpaired of the financial stability and credit of India.

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(3) The relations of the Princes to the British Government are to remain with the Crown.

(4) There must be no unfair economic or commercial discrimination against the British trader.

(5) The Governor-General must be granted the necessary power to enable him to fulfil his responsibility for securing the observance of the constitutional rights of the minorities. He must also have the power to enable him to fulfill his responsibility for ultimately maintaining the tranquility of the State.

It is true that conditions No. 3 and No. 4 have not been expressed in the White Paper; but the speech of Sir Samuel Hoare, Secretary of State for India, in the House of Commons makes specific mention of them. Mr. Baldwin, leader of the Conservative Party, in his speech, also made it clear that there was no difference of any kind between what Sir Samuel Hoare said and what was contained in the White Paper, and the Secretary of State's speech was the White Paper and the White Paper was his speech.

Mr. Baldwin further explained that Mr. MacDonald spoke for 20 minutes and Sir Samuel Hoare for 40 minutes, and therefore the former could not have covered all the ground, the latter had done.

Reading the two declarations together with the debate in the House and the report of the Federal Structure Committee, there can be no doubt whatever that the principle of control at the Centre foreshadowed in the White Paper is subject to all the conditions I have just briefly enumerated.

White Paper rejects Congress Demands.

I now state the National demands, as embodied in the Karachi Congress resolution. They are:

1. Complete Independence, and, in particular—
2. Complete control of defence.
3. Complete control of external affairs.
4. Complete control of finances.
5. India's right to secede at will.
6. Examination of the debt position of India by an impar-

tial tribunal to ascertain how much of it is justly chargeable to the new Government of India, and how much must be shouldered by the British Government.

The Congress mandate also gave power to its delegate at the R.T.C. to accept such adjustments as 'may be demonstrably proved to be in the interests of India.'

I have no doubt that any impartial reader of the White Paper and the Congress resolution will come to no other conclusion than that the White Paper rejects every demand made by the Congress.

Reservations of National defence and external affairs in the hands of the Governor-General means the rejection of the Congress demand for complete independence even in that limited interpretation of the phrase, namely, 'voluntary partnership with Britain.'

Insult Added to Injury.

In his speech in the House of Commons, the Prime Minister goes further and adds insult to injury when in answer to some interruptions, he more than once declares that there is no intention to give independence, and that India does not want it, in that it agrees to the reservations regarding defence and external affairs.

In the opinion of the Prime Minister, therefore, the Congress demand for the control of defence and external affairs, is not a National demand, but the view expressed by some other British-Indian delegates that in the present circumstances the two subjects should not be entrusted to a Minister responsible to the Indian Legislature, represents India's demand. The mentality underlying this statement explains why the Conference has failed to consider the demands of the Congress seriously.

Throughout the deliberations of the Conference, the Congress was regarded as one of the many parties representing India, and it was never recognized, or perhaps conveniently forgotten, that the Congress represented an overwhelming majority of the people of India.

Control of Finances Illusory.

With defence as a reserved subject, the control of finances, apart from other conditions sought to be imposed by the White Paper, becomes illusory, inasmuch as 45 per cent. of the central revenue is expended on the military.

If we add to this, the huge amount representing the salaries and pensions of persons appointed by the Secretary of State, together with interest on debt, and similar charges, very little indeed would be left for the Legislature to vote upon. Even so, the White Paper, by imposing two other conditions, namely, that suitable provision should be made in the Constitution as would effectively insure the fulfilment of the obligations incurred by the authority of the Secretary of State, and the maintenance unimpaired of the financial stability and credit of India, renders even that limited control of finance still more farcical.

What self-respecting Indian would be prepared to hold the portfolio of Finance under the new Government with these humiliating limitations? It is, therefore, quite clear that the Congress demand for the control of finances has been rejected.

Examination of Debt Position.

The next demand of the Congress for the examination of the debt position of India, was not even discussed at the Conference. But there can be no doubt that the White Paper, by imposing a condition that the obligations incurred under the authority of the Secretary of State are to be effectively guaranteed, rejects this claim.

India's Right to Secede.

The last and the most important claim of the Congress is India's right to secede. This was not and could not be raised, as India's claim to be admitted into partnership with Britain was not discussed.

As if these conditions, which reject every demand made by the Congress, were insufficient, the White Paper imposes other

conditions before His Majesty's Government would be prepared to recognize the principle of responsibility at the Centre.

Nationals and Non-Nationals.

I should like to refer to one of them at this stage. The first R.T.C. decided upon the following formula at the suggestion of the British delegates in regard to India's right to discriminate between nationals and non-nationals.

"At the instance of the British commercial community, the principle was *generally* agreed to, that there should be no discrimination between the rights of the British commercial community, firms and companies, trading in India, and the rights of Indian-born subjects and that an appropriate convention based upon reciprocity should be entered into for the purpose of guaranteeing these rights."

Public opinion in India strongly protested against this serious curtailment of the right of India's future Parliament, and Mahatma Gandhi made it clear on behalf of the Congress that any Constitution which in any way impaired the power of the future Legislature of India to discriminate against non-nationals, when it considered it necessary to do so in the National interest, was not worth having, and would not be acceptable to the Congress.

Some Indian members of the R.T.C., in defending their attitude, relied upon the word, 'generally' in the formula and contended that this word left it open to the Legislature to discriminate in exceptional cases.

The second R.T.C. extended the scope and purpose of this recommendation in a variety of ways. The improved recommendation dropped the word 'generally', gave protection not only to the British traders, but to all subjects of the Crown; not only against legislative discrimination, but also against administrative discrimination, not only in regard to trade, but also in regard to taxation, holding of property and a host of other matters.

In order to avoid any misunderstanding, I shall quote the words of that recommendation:

"The Committee are of opinion that no subject of the Crown

who may be ordinarily resident or carrying on trade or business in British India, should be subject to any disability or discrimination, legislative or administrative, by reason of his age, descent, religion or place of birth in respect to taxation, the holding of property, the carrying on of any trade, profession or business, or in respect of residence or travel."

I hardly need add that the new Constitution is to make provision vesting in the Governor-General the power to take such measures as he *may* consider necessary to maintain the peace and tranquility of the country.

Transition Period.

We have been told that, after all the so-called reservations and safeguards are meant to apply only during the period of transition, and that a few years are nothing in the lifetime of a nation. Neither in the White Paper nor in the report of the Federal Structure Committee do we find the period of transition specified. Heaven only knows whether it is going to be five years or fifty years.

Mr. Baldwin, in his speech in the House, in reply to a query from Mr. Wardlaw Milne, stated that nobody could say how long the transitional period would last. He further added that it would last as long as it was the will of the Parliament that it should last, and if and when the Constitution was set up, nothing in that Constitution would be relaxed without the assent of Parliament.

It is thus clear that all talk that the new Constitution would automatically lead India to its cherished goal, or that the period of transition would be brief, is mere moonshine.

Viceroy's Extraordinary Powers.

It has also been argued that the extraordinary powers to be vested in the Governor-General would by convention fall into disuse, as has been found to be the case in Self-governing Dominions. This is not the view of the British Government, and we know to our cost that such extraordinary powers have been and are exercised by the Governor-General in India.

I have endeavoured to show that the second R.T.C. has failed. A third conference has no doubt been promised and several Committees will shortly be set up to work out some of the details of the scheme. But neither the third conference nor any of the Committees will be entitled to override the express terms of the declaration. They will be bound to work within the four corners of those terms, and can have no power, for instance, to recommend the transfer of control of defence or foreign affairs or the grant of any other demand of the Congress, which have been categorically refused by the declaration.

Series of Insults.

I repeat that the Conference has failed, and that British diplomacy has, at any rate for the time being, triumphed all along the line since the Gandhi-Irwin Pact, which, in my opinion, was the masterstroke of that diplomacy. From the day of that truce up to the present, it has been one long and painful chapter of a series of insults and humiliations for the Congress and Congressmen, both in India and in England.

Whilst the authorities in India have all along treated the truce as a scrap of paper, as can be demonstrated by instances too numerous to mention, the Congress and its leaders have consistently and earnestly endeavoured to secure the strict observance of its terms by the people,

Impression created in the International World

At the R.T.C. the British Government played their cards so well that our delegates were drawn into a discussion of the communal problem and other details before the Conference could come to grips with fundamentals. As a result of this clever manoeuvring, to which, unfortunately our delegates were willing victims, the impression created in the international world has been that the British Government is all willing to give freedom to India; but India's people are so hopelessly divided amongst themselves that they do not know what they want, and therefore the continuance of British rule is all the more necessary in their own interest.

Mahatma Gandhi, no doubt with the best of intentions and in the larger interests of the country, pocketed insults and humiliations hurled at him from various quarters, and continued to serve on the Conference. He had gone to London with a firm determination to make every endeavour to turn the truce into a permanent settlement, and in order perhaps, to create an atmosphere for that purpose, he sometimes made statements, both in and outside the Conference, tantamount to substantial concessions to Princes, Britishers and others. In fact, I often felt that Mahatmaji's attitude in this respect was hardly consistent with the spirit of the Congress mandate. The British statesmen interpreted this attitude of Mahatmaji as weakness on the part of the Congress, and the Conference failed.

Premature Truce.

The fact is that the truce was premature. It did not recognise the Congress claim to speak and negotiate on behalf of the whole of India. Its terms were vague and indefinite. Even so, the words, 'safeguards and reservations in the interests of India' were definite enough if the British Government seriously intended to act upon them and turn the truce into a permanent settlement.

The truce was an agreement between the Congress on the one hand, and the British Government on the other, and though no express provision was made as to what was to happen in case the two parties did not agree on the question whether a particular safeguard was in the interests of India or not, neither party could claim that its own view shall prevail; and that the matter must by common consent be referred to an impartial tribunal.

If this procedure had been adopted, there was a reasonable chance of a settlement. But the truth is that, having induced the Congress to give up its campaign of Civil Disobedience, the boycott of British goods, etc., the Government felt themselves safe and secure.

Perhaps this is all to the good of the country. On this occasion it looked, to the great mortification of the youth of the country, as if India was too anxious to be admitted into equal

partnership with Britain and Britain unceremoniously rejected that claim. Next time the position would be reversed. England would be too anxious to have India as a partner and India would be unwilling to accept that position.

On this occasion, India was represented by the nominees of the British Government. Next time their places would be occupied by delegates chosen by the Indian people. On this occasion, the venue of the Conference was London. The next time it would be Delhi.

Real Issue Complicated and Side-tracked.

I would like to say a few words on some features of the proposed Federal Executive and the Federal Legislature. To my mind, the Federation of the Princes and the Commoners is unthinkable. Even so, it would take years for such a Federation to materialize. In the meantime, forces in favour of the introduction of provincial autonomy are bound to make headway. The Prime Minister has already hinted that the decision for a comprehensive scheme dealing with both the Central and Provincial responsibility is not irrevocable. A Parliamentary Bill for the introduction of some sort of Provincial Autonomy relegating the comprehensive scheme to the background is, therefore, not outside the range of possibility.

I have always maintained, since the idea of Federation was first mooted, that we should have a Constitution for British India alone to start with, leaving the door open for the Indian States to come in, if and when they choose to do so.

Those who initiated the idea of Federation have successfully complicated and sidetracked the issues confronting the country and have made their solution almost impossible. The British Indian delegates, in their anxiety to start some sort of Constitution going, have made compromises and concessions to the Princes, with the result that the Constitution of the Federal Legislature, as finally recommended by the Committee, is ten times worse than the Constitution under which the present Assembly has been working. Even if complete control of defence, external affairs and finance is conceded, I am certain that the

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Legislature so constituted would not be in a position to carry into effect any of the progressive ideas the Congress has in view.

Does Mahatma Gandhi really think that he can get that Legislature to repeal the Salt Tax or reduce the military expenditure to any appreciable extent? Is such a Legislature likely to vote in favour of a reduction of troops, either British or Indian, or of the pay and pension of high officers of the Government?

If, therefore, the expenditure of the Central Government could not be reduced, how are we, with full Provincial Autonomy, going to carry into effect our ideas of prohibition and of reducing the land revenue to half?

Indications are not wanting to show that India is fast heading towards agrarian revolution, and the only way to save the situation is to invest the starving workers and peasants with responsibility for carrying on the administration of the country as best they can. Instead, the Round-Tablers, by agreeing to a Constitution which provides for 80 out of 200 seats to the nominees of the Princes in the Upper House, and 100 out of 300, in the Popular Assembly, besides special representation for zamindars, trade, commerce, etc., would virtually hand over the administration of the country to a combination of Princes, zamindars and their capitalist allies.

If I had a choice, I would any day prefer the present Assembly being invested with further power than agree to have a Constitution such as is now proposed. No wonder, therefore, that in addressing the House of Commons the other day Sir Samuel Hoare stated: "Indeed, I go so far as to say that I believe that a Government set up under such condition as I mentioned might very well be a stronger Government than the Government we have got in India at the present time."

If the Princes, however, 'agree to have the fundamental rights of their people embodied in the Constitution, and to the establishment of a Supreme Court for the enforcement of those rights and to the representation of the people on the Federal Legislature, under the same franchise as the people of British India, one might be inclined to consider the idea of Federation.

The fact, however, remains that the Princes are not yet in a mood, for reasons into which it is unnecessary to enter, to do

anything of the kind. The sooner we give up the idea of federating with the Princes and go ahead with British India, the better for all concerned. But the British Government would not have it. Apart from other conditions and limitations, His Majesty's Government are not prepared, the White Paper declares, to recognise the principle of responsibility at the Centre unless and until the Central Government and the Central Legislature are constituted on an all-India Federal basis.

Britain's Attitude.

I am not in favour of exploring any further avenue for negotiation with the Government. If personal entreaties by Mahatmaji in Downing Street and at St. James's Palace did not avail, no further appeals by him, however earnest, from a distance of 6,000 miles, can do any good.

In spite of what Mahatmaji says, I venture to think that *the Gandhi-Irwin Pact was a blunder and has sufficiently harmed our cause.*

Gandhiji's presence and activities in England have hardly enhanced the prestige of the Congress. On the contrary, the proceedings of the R.T.C. have left the world wondering whether there is any substance in the claim hitherto made by the Indian National Congress that it represents an overwhelming majority of the people of India, and that at its bidding millions of people are ready to suffer and sacrifice for the freedom of the country.

We must regain this lost ground in world opinion. Let us wait and see what lead the Congress gives to the country.

In view of what has happened at the last Conference, the Congress might perhaps consider it advisable to devote its attention exclusively to the solution of the communal problem before launching a fresh campaign. *The morale of our people is splendid and they are awaiting the orders of the Congress."*



Chapter Forty-Five

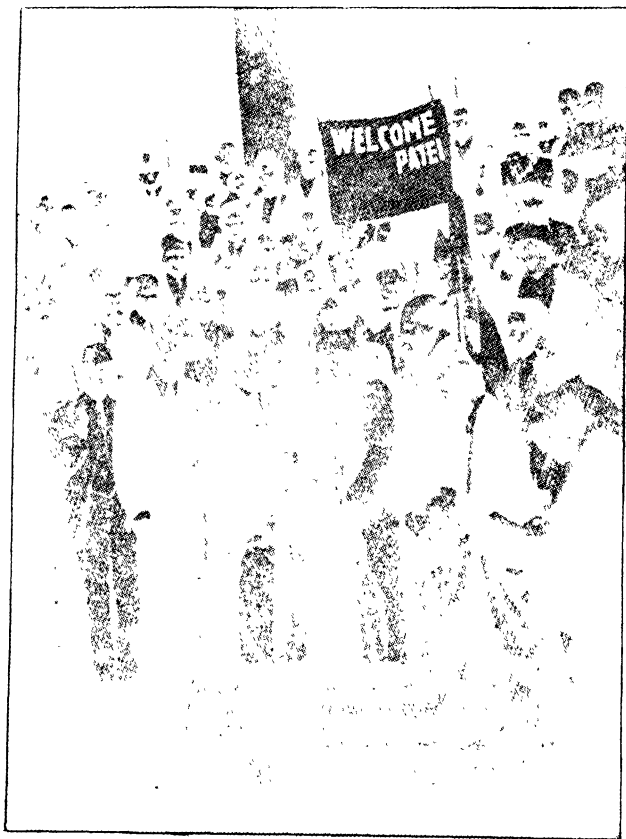
IN THE UNITED STATES OF AMERICA

VITHALBHAI went over to the United States of America in November, 1932; in the following March, having completed his five months' tour, he sailed back to Europe. To an Easterner looking towards the West, America has always made a very special appeal. As a nation America has many of the graces and advantages and some of the tinsel glitter of a novel experiment. America has, in fact, been the Samson of the Nations of the West, who has shaken his invincible locks and aroused himself from torpor. And shaking off many a compromising institution of the Old world, America can claim to have realised more fully the potentialities of Western civilization. Did not Emerson exhort the young American to lead the world? In every stage there has been a leading Nation, one of a more generous sentiment, whose eminent citizens are willing to stand for the interests of general justice and humanity at the risk of being called visionary and fantastic. Which could be that nation if not the United States? Who should lead the leaders but the young American? It might appear that after about a century, Emerson's prophecy has been fulfilled, and leadership of the Western world has passed from the Anglo-Saxon to the American. For the subject nations of the world America has, at least till very recently, stood for a hope. Their singular freedom from any traces of the decaying Feudalism of Europe, their general predilections for democracy and individualism, the atmosphere of progress that pervades their country, the promise of fairplay that has been, on the whole, rightly associated with them, have made the American public the much courted mistress whose ear is sought by all who have a grievance to ventilate. America has been, at least till recently, the conscience-keeper of the world. England has certainly never been unmindful of the weight of American censure and Ameri-

can criticism, and of the necessity of feeding the Americans with 'facts' about India made innocuous and presentable. Nor has the American been really averse to having Indian news coloured by the insidious propaganda of his British cousins. Their general indifference and normally isolationist attitude towards this 'domestic question' of Britain has never mitigated their appalling ignorance about India. Books like those of Miss Mayo had fed this ignorance of theirs by perverting what little was known and, where perversion was not possible, by the invention of 'facts.'

On the other hand, during the first forty years or so of the present century, there seemed to have been a genuine desire, on the part of the liberty-loving Americans, at least on the part of such of them as could think independently, to examine the question of India *de novo*, and this desire grew in volume, as well as intensity, as they heard some of the prominent Indian visitors who went to raise their voice freely, unhampered by the suffocating atmosphere of their own homeland. Men of the eminence of Rabindranath Tagore and Lala Lajpat Rai, who were received and heard with something like real enthusiasm, as distinguished from the usual American partiality for novelty with which the average American is usually credited, could not but leave behind a sense of the distinctive culture of a nation which was held by its British guardians to be unfit to govern itself. American contact with the East across the Pacific and their knowledge of the Easterner's ability to manage his own affairs must have taught them lessons which England had refused to learn. Moreover, Americans have always shown a disposition to flirt, if no more than that — with ideas of world order which could mean very little while the problem of one-fifth of the human race remained unsolved.

Vithalbhais visit was in several respects singular and does not bear comparison with the visits of the many Indians who had preceded him. He went to America while the Civil Disobedience Movement was in full swing, the movement which had aroused the keenest interest in America, as being the boldest bid for freedom against the greatest Imperialist Power of the world, The methods by which this attempt was made were peculiar,



**Mayor of New York, Mr. McKee receiving Vithalbhai
on the New York City Hall steps**

if not absurd and unthinkable in the West, and yet, not so absurd as one might imagine, in their effectiveness. For the first time almost a proclaimed rebel, an exile of the British Government, had come out to acquaint the Americans with the affairs of India. A peculiar interest attached to the fact that this man had once presided over the deliberations of the Indian Legislative Assembly, had found it a mere mockery of the British professions of Self-Government and had resigned as a consequence. His personal prestige was very high. Moreover the American imagination, ever sensitive to the picturesque, was touched by this feeble old man with his whitmanesque beard, with his wonderful Gandhi cap, and with his body swathed in the symbolic white of *khaddar* of which the Americans had heard a great deal.

The reception consequently was something unique even for America. Wherever he went he found sympathetic listeners as if they were anxious to make the most of such a distinguished personality. Pictures and accounts of his long services, as Mayor of Bombay and as President of the Legislative Assembly, were given prominence in the papers by way of an introduction to and as a background for his lectures. "In all the cities he visited, he was received by the Mayors at the City Halls. The Mayors of such important cities as New York, Boston, Worcester, Detroit, Ann Arbor, Chicago, Wichits, San Francisco and Sacramento officially received him. The ceremony on such occasions usually consisted of speeches of welcome and appropriate replies from Vithalbhair. A number of cities, including Boston, Chicago and Detroit, accorded him the unusual honour of the 'Freedom of the City' and a golden key was formally handed over to him as a token of that *Freedom of the City*.

Not only did the Mayors of towns, but even the Governors of many States like those of Pennsylvania, Maryland and Massachusetts received Vithalbhair as their official guest and offered him their hospitality. He was also the recipient of a unique honour at the hands of the California State Legislature, which welcomed him in an open Session. Later he addressed each of its two Houses of the Legislature for half an hour. Seldom had

an Oriental visitor to America received such a nation-wide attention until India became a 'Sovereign Democratic Republic.'

It might be said that for the five months or so that he spent in America he was actually lionised by the Nation, though in a manner entirely different from the effete drawing room sense of the word. His desire to speak was more than gratified by their eagerness to hear him. In the colleges, and the churches, and the clubs and the associations, the applause at the end of his lectures was such as could hardly be stopped. What he had to say must have come to many of his listeners as very much in the nature of a surprise, and his manner of saying it, the marshalling of facts which he brought out in support of his argument and the fierce realism of his attitude must have been refreshingly new. His case was simple and direct. He had never believed in mincing matters. In his very first broadcast speech he opened with a complete charge-sheet against British Imperialism, supporting it by the then recent instances of the crookedness of British diplomacy, like the Ottawa Conference decisions and the manoeuvres at the Round Table Conferences. This speech was a sort of first sketch of his work in America. The occasion demanded a certain solemnity. The consciousness of that indefinable presence of a great and mighty nation to whom he was speaking has left an indelible impression on his words:

"I am now speaking to my American sisters and brothers, the youngest nation of the world, and yet the most daring pioneers of modern civilization who stand in the vanguard of present-day progress. I am in the land of liberty, in the land of George Washington and Abraham Lincoln, the champion of individual liberty and the foe of slavery. I know that you are bound closely to Britain by ties of blood and relationship. Imperialism has been typical of the old country, Britain, but it has always been against the free will of the people of America, and your National existence commenced with your War of Independence against Britain. Your love of liberty is thus greater than any sentimental allegiance you may owe to the past. Therefore, I may speak my mind freely to you on the curses of Imperialism. It is a curse from which we in India suffer directly; indirectly, the

whole world suffers from it. It is a disease whose poison has been spreading throughout the whole world. It is the cause of the world depression. Let us take the most recent illustration of it. In spite of the protestations of comradeship between Britain and America, in spite of the frequently expressed ideal of uniting the two great English-speaking nations of the world, Imperialist fanaticism has just produced the Ottawa Conference. The Empire Conference was surely not a happy family gathering. It was really the meeting of a War Council planning ruthless economic war against their neighbours. At a time when every nation is suffering from the prevailing economic upheaval of an unprecedented character, war and provocation to war have appeared at Ottawa. Our great textile, ship-building, and metallurgical industries are now no more. Not only has a country of art, commerce and production become largely an agricultural country, but even agriculture itself has been placed on a low level. By neglect and want of scientific agriculture, we have millions of acres that do not produce twenty dollars worth of product per year. We are the victims of ill-treatment, and insult and exploitation even in the self-governing British Dominions. We are the pariahs of society, with hardly a right to any form of citizenship. We cannot acquire property even through the legitimate means of purchase. We were taken across to do spade work for the white colonials and then despised and cast out. Foreigners have a hundredfold greater rights and security in the British Dominions than Indians. At various international and inter-empire gatherings the British silence our real voice; they play our part to suit their own ends. To the complete exclusion of any elected representatives of the people of India, the British officials trot round a troupe of Indian sycophants carefully selected by themselves, at Geneva, at Washington, at Ottawa and even at the London Round Table Conference.

"Even in this brief talk, I am most anxious to convince you that the root-cause of all the world's ills at present is imperialism. Naturally, Britain and other Imperialist countries would prefer our investigation to be misdirected from their own guilt towards abstract monetary problems and questions of currency. I will tell you where, in my opinion, the world is ailing. Come

with me for a moment to my country. And just see the world from my window. Through that window, I think, you will catch a glimpse of the basic cause of the low prices of primary products. Can you wonder why the price of these primary products is so low? What is true of India is more or less true also of the whole of Asia. Imperialism is thrusting a large section of the human race downwards. Imperialism does not merely produce monetary poverty but death and degradation.

"Our country, which was once proverbially rich, has now become lamentably poor. The loss of wealth to India since the advent of the English is estimated by competent authorities to be more than thirty-thousand million dollars. Pray understand that the struggle of India is not one of good rule against bad rule; it is not a struggle of selfish jealousy. It is based on the primal law of the Nations, based on Nature's own law of self-development and self-preservation. It is not only our own well-being that depends on our freedom. Upon our liberty hangs the salvation of the world."

He followed this theme up in lecture after lecture with a complete review of the economic emasculation of India, and exposed the hoax of India's mock-prosperity, dressed up with pseudo-facts and fictions to justify British Rule in India. He analysed the astute political game that England played in India and knocked the bottom out of the pretence of justice and honesty and law that was sported before the credulous eyes of the world. On the 20th of November, addressing a large gathering of Chicago Irish Americans, he said:

"America, this great power of the West, holds the key to the present situation involving world peace. She can unlock the door to it, so to speak, if she will but use it. She should not look at the matter solely from her own point of view, but should regard it from the point of view of world-wide humanity.

"At the very time when England has acquired 100,000 square miles of new territory from the World War, she turns on the United States and says 'You Shylock.' England says she intrudes in other lands for the good of other people. She is in Ireland for the good of Ireland, she says. Likewise, she is in Egypt, Africa and other places for the 'good' of those peoples.

"But in President de Valera she has found a new problem, a big one; one that she cannot surmount. As regards claims and debts from the Irish Nation in the shape of the so-called land annuities, de Valera says 'Very well.' We shall compare debts and credits. We shall do so before an impartial tribunal, not an English one. We shall not only discuss the debts we may owe to England. But we shall determine the debts and the certainty of paying them that England owes to Ireland.'

"Brothers and sisters, I ask you: has the time not come when the world should look into this business of English profits and claims of indebtedness? Shall we not all take this nation, England, to an impartial tribunal and there ascertain which are the debtor nations and which are the creditor nations? That is the stand which America should take.

"For ten days I attended a Conference at Dublin with the principal leaders there, LeMass, de Valera, Kelly and others. We talked about the annuities case.

"We are far behind the advanced stage you have reached in Ireland. Within 18 months, the oath of allegiance should be gone; the Governor-General is already gone; and with him will go the annuities. Then the Irish Republic will be a fact. The removal of impediments are not an end in themselves. A united Ireland, and a free Ireland, is the real end.

"If at the next general election the Irish people gets squarely behind de Valera and give him the mandate, I have not the slightest doubt that your beloved Ireland will be free. Free! Your dream will then have come true.

"And now for disarmament. Unless the nations disarm there shall be no peace. But, my friends, it is foolish to talk of disarmament as long as empires exist. You know that no conquered people can remain for ever reconciled to a foreign rule. Therefore, the conquering empire must remain armed. Tripoli, Syria, the Phillipines, Egypt, Manchuria must some time quarrel with their conquerors. But imperialist nations like Japan, France and the United States must disarm as against one another before there can be peace. But these nations will not disarm so long as Britain demands a monopoly of world trade, England wants a reduction of belligerent navies. But she slyly says she

needs enough navy of her own to defend 85,000 miles of sea-coast. But whose coast-line is it?

"Is England prepared for disarmament? Indeed not! At the very instant when she signed the late treaty at Washington she said: 'Our signature is conditioned on the continued integrity of the British Empire. Let one inch of that territory be taken from us, and the treaty is at an end.'

"Let me state a few of the facts in the Indian case; for 150 years England has occupied India. She has issued laws there: no one shall possess a gun there without an English permit. She has effectively disarmed the whole people. Another thing: England keeps 60,000 British soldiers in India at all times. And see how well they pay their representatives there. A Viceroy gets 5,000 dollars per month and an additional amount as allowance. Almost all the high offices are reserved for the English people. When you know that the average income of an Indian is four or five cents per day, you can see the injustice of the condition brought about by the drain of these high salary taxes. Again 300 million persons in India have no occupation for eight months out of every year. In this country you have the horrible situation of 10 million men out of work. In India we have 300 million unemployed for full eight months per year.

"Although the peasants are heavily taxed, 87 out of every hundred of those, that die there, die, because they cannot afford medical aid. Of every 1,000 babies born in India, from 650 to 800 die before they reach the age of one year. In India there are 40 million persons who have only one meal a day.

"In conclusion, I wish to thank you deeply for your interests in us, your kindness to me, and through me to the starving millions of India. I shall carry away with me a most pleasant recollection of this meeting."

He filled out his attacks with lectures on particular themes that were relevant to his general thesis. Talking on the 'Ordinance Raj' which was then in full swing in India he had an opportunity to remark on the great disparity between the Englishman's professions and his practice in India which had been so perfectly symbolised in the words and the doings, in and out of office, of that great Messiah of democracy, the well-known Mr.

Ramsay MacDonald. Did not MacDonald pass strictures on the tyrannical methods used by the Indian Civil Service as being opposed to British notions of justice and then promptly sanction the Bengal Ordinances which even out-heroded Herod?

"I do not know what explanation Mr. Ramsay MacDonald would give of his own past, but there are many skeletons in his political cupboard, and one of them is a book he once wrote, called *The Awakening of India*. It is certainly a rash book for a British Prime Minister to have written."

He never attempted to burke the serious difficulties in India's way. The Hindu-Muslim question had for a long time done yeoman's service as a stock argument for the British. Vithalbhair's plea was to show how carefully and completely this fiction had been fomented and then exploited by the Government and the Anglo-Saxon Press. His analysis was full of realism; he was more interested in tracing out the less known facts of the question. He brought out its relation to the poverty of the masses on the one hand and the presence of certain agents provocateurs on the other, his clinching argument being the existence of the nationalist element among the Muslims themselves which conclusively proved that, whatever else this problem might imply, it certainly did not constitute a reason for the perpetuation of the present 'raj' inasmuch as both Hindus and Muslims were agreed about the central fact of the British rule in India.

Throughout this long relation of a subject fraught with complexity, his main thesis was clear and consistent. The present frustration of the country might be one argument against its rulers but he founded his demand in what the world and especially the Western democracies believed in as an axiom, viz., the right of every nation to manage its own affairs. He set India's case against the larger background of the world. A world which so easily and so phlegmatically submits to such a gigantic hoax, such a monster of iniquity as the British Imperialism, will surely never deserve a better order. Doing justice by India was doing justice by the world. *That* was indeed the first step towards a new order in a world founded on the notions of liberty. The implications of a free India for the American trade were manifold. If in all this he insisted on the economic side of the quest-

ion it was because that was undoubtedly the weightiest, the most insistent and at the same time the most calculated to carry conviction to an American audience. He reminded them of the words of one of their own countrymen, E. Holton James who had written in his *Gandhi or Caesar*:

"On July 8th the King-Emperor said in London:

'My Indian people have never lost their hold upon my affections.' That is the sad part of it. The Indian people have been loved to death — killed with a surplus of British affection. Britain's affection suffocates them like the heavy sweetness of tube-roses at a funeral. The Indians want, not affection, but freedom. The average wages in India are four cents a day; which, even with the love of a King-Emperor who has an income of half a million pounds, is not enough to live on.'

Vithalbhai's comment was "There, indeed, is the crux of the matter — food and freedom. India is demanding not generosity but justice, not 'concessions' but rights; not wordy assurances of British good-will, but some visible proof of British fair-play."

The highlight of his lecturing tour was the debate arranged by the Foreign Policy Association at Hotel Astor, New York, with Mr. Wedgewood Benn, a former Secretary of State for India. This debate was broadcasted all over America. The question debated was whether India should remain within the British Empire. This was the first time in history when a former President of a Legislative Assembly had to cross swords with a former Secretary of State — a spectacle unthinkable except in a country like America. The opening words came from Mr. James G. MacDonald, the Chairman, who said.

"The Hon'ble Mr. V. J. Patel is one of the ablest and the most constructive of the present-day Indian leaders. We consider it a rare privilege and a great honour to have him as our guest today."

Vithalbhai began with a detailed account of the evil consequences of the British rule and went on to make some revealing remarks on the impossibility of conceiving India as a Dominion within the British Commonwealth.

"The analogy of Self-Governing colonies such as Canada and other incidental expenses were defrayed, it is necessary for

Australia and New Zealand does not and cannot apply to India. The colonies were founded by Britain, while India was conquered. The original inhabitants of Canada and Australasia were mercilessly exterminated, and the Anglo-Saxon elements — though largely made up of poor white trash — have become the predominant settlers in these unpopulated regions. No such ties of blood or race exist between India and Britain, as they do between Britain and its self-governing colonies. The British army and navy, but for the name, belong as much to the colonists as they do to the British. In India, it is different. The prosperity of the colonies is Britain's prosperity, and *vice versa*. It is therefore easy to understand a close inter-alliance and economic community of interests and a mutual defence guarantee society among Britain and her colonies without clash of religion, race, culture, or the destruction of cherished historical ambitions. Indians are an alien nation with nothing in common with the British people. Their culture, language, religion, and tradition are quite different from those of the British people. The economic interests of the two countries, too, are wide apart. England's astounding prosperity of the last two centuries has rested and can only continue to rest on our hunger, on our premature death, on our physical weakening, on our illiteracy and darkness. India's economic rise bringing prosperity and happiness to her own children must reduce the British Isles to a second rate, overpopulated country of coal-diggers, fishermen, and poultry farmers.

"The Dominion Status card of England is a cardsharp's false card in a pack. It is played to deceive the whole world and to continue England's domination over India. While the world permits itself to be fooled, it also permits itself to be crushed by imperialism and militarism. There can be no normal industrial development in the world without total and universal disarmament. And such a disarmament is impossible so long as England insists on retaining control over India. The liberation of India is necessary as much for the world's sake as for her own."

There was some trenchant satire on the English method of selecting Indians to 'represent' India at British conferences and

calling them the peoples' representatives, and he wound up his argument with:

"All this is no mere accident. Britain wants to mislead the outside world into believing that there is an alternative to real independence, namely, Dominion Status within the Empire. Let the world realise once and for all that there is no middle way between imperialist rule of one country over another, and unconditional independence of the latter country."

In his reply Benn began with some pleasantries and said he agreed with most of the charges.

"I agree with most of the charges he has brought against British rule in India. I would like to ask the audience: who can defend the action of any Government of 150 years ago? I know that many mistakes and undesirable things have happened in India in the past. But when I was in the Labour Cabinet, my minority Government dared to support India's claim for political emancipation. Lord Irwin (the then Viceroy) and myself enunciated the bold policy of co-operation with Indian leaders and gave opportunity to Indians to confer on terms of equality with the representatives of the British Government. I, for one, therefore think that a great change has come over my country and that the only way of achieving the emancipation of India is by means of co-operation. Again, what I say is this. What is required is the co-operation of men of good-will in Great Britain and India. Real friends who love India want to see the communal difficulties disappear.

"The Hindu-Muhamadan question must be seriously considered in achieving any constitutional federated Government for India. I am sorry to say that the differences between two great communities are not so simple, nor so easy to solve. I do not know what the safeguards as defined by his Government will be. When I will see them I will answer whether they are justified and adequate or not. Also it is perfectly true that what was offered at the Round Table Conference was not full liberty."

The two personalities were admirably contrasted, the suave practised British politician of the West being set off against the plain tired soldier from the East. American taste in the matter was not, it might appear, over-complimentary to the Britisher.

"During his talk" says Dr. Sudhindra S. Bose who was a witness to the contest, "Wedgewood Benn was hissed at by the audience a few times. His attempted defence of Sastri and Sapru, who were pitted against the Satyagrahi leaders, brought on him derisive laughter. And when he failed to answer the question — if the educational expenditure had kept pace with the increasing cost of militarism in India, the situation became extremely uncomfortable for the ex-Secretary of State for India. He is smooth and suave for an Englishman, but not clever enough to fool an American audience. It was indeed a distressing spectacle; but it was also, I believe, very instructive."

The impression Vithalbhai left on his listeners was that he took to the U.S.A. a very full mind and a highly judicious spirit. The same thoroughness that marked his work as a public officer also characterised his preparation for the lectures. His real equipment was a wide and exact acquaintance with the economic and social conditions of India. One must know one's speech as one knows one's prayer. Though Vithalbhai never aimed at this, as far as the marshalling of the relevant facts went, his preparation was something quite as rigorous. Of formal rhetoric, however, there was little save what comes of quiet courage and confidence, in the facts of the case — a sort of unobtrusive eloquence which dies hard and actually goes deeper. The absence of ranting, or melodrama, or theatricality was marked both in language and in thought. He was polite even to his most absurd opponents and was wise enough to realise that their extravagancies were due to ignorance rather than to villainy. But he would have no truck with the opponents of India's freedom. His manner was never dogmatic, and it seemed to invite a free and frank discussion and his style was tipped with that delicate irony of his which he seems to have carried with him wherever he went, a weapon he could use with such withering effect against any opponent in debate.

On the whole it appears that Vithalbhai had no reason to be disappointed with his tour. We find him expressing satisfaction in one of his letters: 'I have, so far, addressed 85 meetings all over the country, and established contacts with a large number of important and influential groups and individuals. The other

day I had a debate before a large and representative audience, at the Foreign Policy Association in Baltimore, with my predecessor, Sir Frederick Whyte; and a debate is arranged for me by the New York Foreign Policy Association with Mr. Wedgewood Benn, former British Secretary of State for India, to take place on the 11th of March. Immediately after that takes place I expect to leave America for Dublin, London, Geneva, Vienna *and an Indian prison*. I have, for the time being, finished my work all single-handed, in this country, and I feel satisfied.'

But he was already feeling that he had stayed away too long. This was all very good. He was doing India's work, had been creating public opinion and so on; but when he remembered what was going on in India at the moment, his conscience became uneasy. While he was in New York, he was once taken to the top of the Empire State Building, the biggest sky-scraper in New York. After viewing the whole of New York from the top Vithalbhai remarked:

"It is all very good. It is a very fine view and it is pleasant to look at, from here; but I am pining to go back to my country and live in our poor huts and try to bring about a solidarity between the warring sections, to attain India's goal."

Talking about six distinguished Indians who had visited America, including Lajpat Rai, J. C. Bose, Sarojini Naidu, Kalidas Nag and Rabindra Nath Tagore, Mr. J. T. Sunderland has said the following about Vithalbhai:

"Last, and in some respects the most important of all, Mr. V. J. Patel, India's great and heroic leader and peace-loving fighter for her freedom, came in November, and is still here. Notwithstanding his impaired health, caused by his cruel imprisonment in India and the four severe surgical operations which he was compelled to undergo in Europe to save his life, he is moving about widely and doing very valuable work for India's cause. No other visitor from India has ever met with such high official recognition and welcome. He has been received with distinguished honour and given notable public receptions by the Mayors of New York City, Philadelphia, Baltimore, Boston, Detroit, Washington and several other of our largest cities. His pictures and accounts of his long and able

services to India as Mayor of Bombay, President of the Indian National Congress(?) and President of the Indian Legislative Assembly, have been published in many of our widely circulated papers. In all places visited by him, where there are Indian students and other representatives of his own country, of course, these have rallied round him with the greatest possible enthusiasm, and done everything in their power to extend knowledge of his mission and of his work. In his addresses and lectures delivered in colleges, theatres, great halls, churches, and before clubs and associations of many kinds, he has presented India's case for freedom and self-rule fearlessly and with great clearness and power. In a lecture which I had the pleasure and honour of hearing him deliver in Vassar College, the oldest and best known of our institutions of higher education for women, he created a most profound impression and the applause at the end could hardly be stopped. This is only an illustration of his work.

Up to January 10th, he remained in the East, going only as far West as Chicago, where he gave twenty addresses. On the date just mentioned, he left New York for the Pacific Coast, expecting to fill lecture engagements in a number of large cities on his way. He stated it as his purpose, to spend a few weeks speaking in California and the extreme West, then to return to New York for a little more work in the East, before taking his final departure from the country.

It need hardly be added that the visit of this great Indian Leader to America will be long remembered. As has been already stated, to no other visitor from India has ever been accorded more distinguished honours. His addresses and interviews have everywhere produced strong impressions. Certain it is that he has created or deepened in the minds of thousands the conviction that his great historic nation, which has had such an illustrious past, is abundantly able to rule itself now, and ought to be granted its freedom without delay."

Chapter Forty-Six

JOURNEY'S END

IT has been a common human experience that as the flesh wearies, the spirit wanes and seeks in smoother walks to stray. Vithalbhai was a definite exception to this rule. Privations of all sorts, repeated incarceration, disappointments untold and anxieties innumerable with the continuous harassments of the then political life, coupled with the most conscientious habits of industry for public weal, wore his body out, but left his mind as imperious as ever. Age did not soften the rigour of his judgment or blunt the edge of his opinions. If anything, as he advanced in age, his mind burnt with a purer, and still purer flame. Perhaps in the political atmosphere of India at the time, old age, instead of tending towards conservatism, otherwise called sobriety, did, as a matter of fact, become more and more intransigent and many an Indian who began with a lukewarm attitude bordering on a tendency towards a compromise *vis-a-vis* the British connection ended with a demand for complete independence. With growing experience the scales seemed to have fallen off from the eyes and the mind was unwilling to feed any longer on half truths and self-deceptions for the term of life that remained.

This sullen and suspicious atmosphere of discontent, prevailing in Political India, ever brooding angrily over disappointed hopes had bred and fostered the spirit of revolt in many a man, but in none more than in Vithalbhai. Two decades and more of his political life show a consistent evolution. In the early days of his political voyage, he was content to play the role of the pure parliamentarian. When he contested elections to the Legislatures established in India under the overall directions of the British, he made it his mission to extract the utmost that could be extracted from these bodies, just because he wished to vindicate their representative character against a whole bureau-

cracy in arms. He stood forth as the stout-hearted tribune of the people. He went to them with immense zest, for he enjoyed playing the game as it should be played with due observance of its rules. Moreover, he loved to sniff the crisp air of controversy; he loved the brisk intellectual exercise to which he could harness his enormous energies; but he loved it all the more because it was ultimately hitched on to the final goal of the emancipation of his country, which was the one dominating ambition of his life. He had seen the inadequacy and the futility of this position long before the advent of Non-Co-operation on the political scene of India. His memorable fight against the Rowlatt Bills in the old Imperial Legislative Council had disillusioned him of any hopes that he might have entertained of winning the freedom of his country through legislatures, wherein one could do precious little, and which were themselves at bottom no better than monumental mockeries. He knew that fights in the Councils were akin to striking at a shadow with a sword, but he also knew the British mentality well. As in trade and commerce, so in politics, an Englishman understands only his own language. To Vithalbhai the Legislatures provided only one more arena to air the national grievances and to expose the utter hollowness of British professions of charity and generosity. His faith in propaganda was unshakable, for he knew how dearly the Britisher loved self-advertisement. A desperate ill required a desperate remedy, though in Vithalbhai's conception of a desperate remedy there was method and not madness. He had ever been an uncompromising opponent of untruth and reaction. And now towards the end, in declining years and waning health, he came out in the open as a full-fledged rebel. His physical condition presented an acute contrast to this latest phase of his career.

With the precipitancy of a man acting spontaneously on the impulse of conviction, he had plunged into the Civil Disobedience Movement and faced unflinchingly the ordeal that followed. Imprisonment in his condition, he had realised, meant certain death, and yet he had courted it with open arms. When the Government realised that his physical frame could not bear the strain of imprisonment any longer, they flung to him his remaining few days to be spent as well as he might in a compulsory exile from

his Homeland. Never given to sickly sentiment, he spurned not the gift in a fit of pique, although the charity hurt him and went sorely against his grain. He accepted it in the hope that he might be able to utilize the few remaining days of his life for some kind of national service. When he left the shores of India for Vienna — never to return as it turned out — ostensibly in search of health, there was no desire in his mind either to relax or to stand off the arena. Perhaps the urgency of extending the sphere of the national struggle for independence and of intensifying it was growing upon him as it became clearer and clearer to him everyday that he would remain an invalid for the rest of his life. The intensity and the urge for action was so strong and powerful that it was 'now or never' with him; and the shattered frame, not yet completely broken, only because of the indomitable will, rallied round at the sunset of life to take up the broken thread of the task of national deliverance. Vithalbhai never procrastinated. He resolved to make the supreme effort of his life to disabuse the American public of the stupendous mass of prejudice that had been sedulously created in American minds by the distorted British propaganda.

II

At Vienna he obtained some alleviation of his physical troubles, thanks to the medical assistance so ably given by Dr. Hans Lorenz, the surgeon, and Dr. Schlesinger, the physician, both of whom had developed a good deal of personal regard and friendship for him. Everything that was humanly possible was being tried by them to restore Vithalbhai to his former health, with a devotion and an earnestness such as could hardly be expected by a stranger in a foreign land. These eminent doctors were conscious all the time that, in helping Vithalbhai, they were rendering service to India who could ill afford to lose his precious life in the critical times she was passing through. But before they could put him on the road to recovery, and before he had hardly regained strength enough for a journey, Vithalbhai became impatient to leave for London. The doctors most reluctantly consented to the proposed course, provided he agreed to take complete rest, physical and mental, in London.

Mental inaction was not compatible with Vithalbhai's temperament and conception of duty. He would, at no time, stand still with folded hands. In London he took up his residence at the National Liberal Club as on previous occasions. His presence there naturally attracted many an Indian to the club, for, he was to them a wise and valued friend and a staunch patriot. Soon enough the club became a rendezvous for several politically-minded Indians. They forgot that it was not President Patel but the erstwhile prisoner of His Majesty, who was now the 'guest' of the club. Some members looked upon his activities with disfavour and signs were not wanting that they would have him understand that he was not quite a welcome 'guest'; to many of them he was indeed a rebel and a fire-eater.

While Vithalbhai was in London, Britain's political relations with Ireland had once again been causing considerable trouble and anxiety to Britain. De Valera, the 'outlaw' of yesterday, had returned to power and was virtually the dictator of the Irish Free State. By refusing to pay the 'annuity', he had declared his intention to repudiate the subservience of Ireland to England. This had naturally caused alarm to the British public and politicians. The British Cabinet was seriously engaged in devising ways and means to prevent Ireland from slipping out of the British Empire. But they found in President De Valera, an iron-will statesman and an ardent patriot, who refused to barter his country's honour for any gain, however great. When all the usual methods of reconciliation by diplomatic negotiations failed, recourse to Empire arbitration was proposed, particularly when they found that de Valera was not averse to submit the questions in dispute between Ireland and England to the arbitration of the League of Nations. It was widely believed at the time that President De Valera had shown his readiness to accept the proposal of Empire arbitration, provided the British Cabinet accepted Vithalbhai as his nominee. Long before he came into power, Ramsay MacDonald, the then British Premier, had known Vithalbhai intimately. Vithalbhai's name could not be acceptable to him, presumably because MacDonald knew that Vithalbhai would be far too independent for him and the least likely to be pliable to the subtle influences of his wily diplomacy.

By his independence and freedom from all traces of flunkeyism, his stubborn refusal to yield to the glamour and subtle pressure of officialdom, Vithalbhai had become a veritable eye-sore to the bureaucracy in India. Little wonder, therefore, if a born opponent of the bureaucracy like Vithalbhai could not be acceptable to MacDonald.

De Valera had recognized in Vithalbhai an astute, subtle, far-seeing and diplomatic politician; he was deeply impressed by the personality of this patriot-politician of India from the time he first came, while still in hiding, into contact with him. Subsequently they were drawn to each other more intimately, probably because of a certain similarity of temperament, views, ideals and methods. There had developed a sort of friendship between them, based on a far-reaching and abiding common interest. When President De Valera saw that the British Cabinet was not prepared to accept Vithalbhai as an arbitrator in the dispute on the Irish question, De Valera asked Vithalbhai to suggest the name of some other Indian leader. Vithalbhai unhesitatingly advised the Irish President to propose Jawaharlal Nehru and Subhash Chandra Bose together in his place. Obviously the names proposed could hardly be expected to receive more favourable consideration at the hands of MacDonald who had no illusions about their general suitability for his purpose and about their political inclinations.

President De Valera, who had grown grey in the services of his country and who had undergone all sorts of privations and sufferings in his fight for the complete independence of Ireland, entertained no hopes of a fair and just deal at the hands of British diplomats and was indifferent to the outcome of all this finesse. He was, however, very anxious to come into closer and more personal contact with Vithalbhai for whom he entertained a very high regard. Of all persons in Ireland, it was he who knew and knew well how the advice tendered by Vithalbhai at the most psychological and critical moment of his country's history had enabled him to turn the corner and to occupy the most eminent position that he had occupied in Irish politics. He intimated to Vithalbhai by a special communication his desire to accord him a public welcome in Ireland and show thereby

how deeply grateful he was to him and what deep debt of gratitude Ireland owed to this illustrious patriot of India, who in no small measure, had proved a sincere friend of Ireland. Little did De Valera realise through what mental torture consequent upon his involuntary exile Vithalbhai was passing at the time. Vithalbhai's mind was riveted to his Homeland and he was feeling the pangs of his exile every moment. To the great astonishment of the present writer who happened to be with him at the moment, Vithalbhai respectfully thanked the President for his kind sentiments about him and begged of him that he should be spared from any such public demonstration so long as he was obliged to live the life of an exile from his native land.

Some of the conservative and reactionary elements in the National Liberal Club were greatly perturbed over these and similar other silent and unobtrusive activities of Vithalbhai, who was to them now but a rebel and a revolutionary. Through the machinations of some mysterious agency, the authorities of the Club were persuaded to convey to Vithalbhai that he was looked upon as an undesirable in their midst and that he should make the necessary arrangements, promptly, to shift elsewhere. Vithalbhai was on the lookout for a suitable place himself, but in the meantime he was required to go to Holland to attend a meeting of the 'League against Imperialism'. On his return, he found that no rooms were available for him at the Club. He had thus to leave, for ever, the place where he had been so distinguished a 'guest' in the past.

In the meanwhile the mental strain and the continued harassment he had been subjected to had been reacting on the health of Vithalbhai. Friends took an alarming view of the deterioration of his health and implored him to take rest as advised by his doctors. Shapoorji Saklatwala, among others, had been persistently insisting upon Vithalbhai the necessity of sparing himself for the country and asking him to give due attention to the warnings of nature. Vithalbhai, however, had developed a desperate mood, and was now engaged in preparing for a trip to America. He defied his friends, his doctors and the rules of health, and with a wide awake mind chose to embark upon a political tour in America.

This is not the first time that the healers of the body have been defied at the command of the higher monitors of the mind. So did English Milton prime himself to measure swords with Salmasius, who was spreading false propaganda against the Cromwellian regime, and attempted to silence him with a pamphlet, and, in so doing, sacrificed his eyesight. If truth is to triumph, let falsehood and truth grapple in a fair fight. Whoever has known truth being worsted in such a fray? asked Milton. Here was an equally if not more malicious perversion of truth about India going on. Vithalbhai would take up the gauntlet and lose his life, if he must. This decision of his belongs to the history of high heroic endeavour.

The project of a propaganda tour in America was not a chance impulse of the moment. He had very early realised and advocated the importance of creating a world opinion in India's favour. It was what commonsense counselled; and it was a regular part of his contemplated strategy to awaken the conscience of the world to the facts of the Indian case and thus to strengthen the hands of the Indians who were fighting the battle on the home soil. Truth alone was not his prime or the most important concern. With Vithalbhai, the practical benefit to be derived for political ends weighed full as heavily in the scale. For some years past, he had witnessed with alarm the ever-increasing volume of British propaganda in America. It had to be countered. The final incentive, however, is believed to have come from de Valera, who was held in high esteem by his numerous friends in the New World and whose active sympathy and support was sure to prove of inestimable value to Vithalbhai in his attempt to awaken the American conscience. De Valera is believed to have assured Vithalbhai of his wholehearted and ungrudging help. It was, in fact, on his suggestion and under his guidance, it is believed, that the entire programme of Vithalbhai's American tour was planned.

Vithalbhai's new task was beset with tremendous difficulties from the very beginning. To shake an alien people out of their indifference and prejudices based on ignorance, and to do it singlehanded, was in itself a desperate undertaking. Vithalbhai had, however, the satisfaction of noticing, before he actually left

London, that the British propaganda machine in America had taken alarm and that England had already despatched some men to forestall and, if possible, defeat Vithalbhai's purpose by means, more foul than fair. The magnitude of the task, however, served only to strengthen his resolve. He was taking great risk; there may be very little or perhaps no gain whatever. The cost was heavy. But Vithalbhai was not given to counting costs, and all his life he had believed in high stakes. Having staked the remainder of his life in a bid to lead his country towards freedom, Vithalbhai, old, ailing, broken in health, and cast on foreign soil, resolved to sacrifice his life in an attempt to lift the veil of ignorance in America about India.

The tangible results of this tour and the impressions left on the Americans, in the shifting sands of the political landscape, are difficult to estimate. But one thing is certain; he told the story of India's struggle for freedom to the great Democracy as only he could tell it; and his voice rang out confident and clear above the din of misrepresentation carried on in America since 1918. To the Americans he looked like a man sustained only by his indomitable will. In American slang he was described as a man with 'guts' and the spirit that carried him through was the spirit of dedication. It must have been an experience to see this ailing old man of India scarcely able to walk, touring the great and mighty United States, lecturing, broadcasting, interviewing, trying to knock at the heart of a nation, whether responsive or unresponsive, but, sure enough, poisoned by a propaganda to which the whole might of the British nation had been directed. His task, as he imagined it, however, remained unfinished when he turned his steps homeward — alas! he was never to reach home — and his mind was still full of his mission, when he returned to England. In an address in London immediately after his return, he pointed out the widespread nature of the misrepresentation of India in America. He said that since 1919 no less than 1100 British lecturers had visited the United States, whose avowed purpose was the building up of the famous Union of the English-speaking Nations, but whose real object was to point out the excellence of the British Empire and its great benefits to subject nations. It is sad to reflect that these words with

the undertone of frustration in them must have been welcome to those Englishmen who had directly or indirectly contributed to the great campaign of lies and half truths which was being carried on in America against India.

The political results of the tour have been indecisive, but its effects on Vithalbhair's health were quite decisive. All the time he was touring, he was fighting every inch of the way, staying with one hand the shadow that was gradually settling itself upon him. He knew that he was putting a tremendous strain upon the resources of his body. The task over, the strain asserted itself. This lecture tour proved his swansong! He came back to Europe — to die. But he would not accept his dismissal so easily, nor would he resign himself to the fatality with a gesture of despair. On the other hand, he became more and more impatient to return home. He cast his mind about for new formulæ and with the experience he had now gained he was busy forming new plans of work. In his last letter Home, he advocated a new strategy with the exultation of a man standing on the threshold of a revolution in his career.

Even with the near prospect of extinction, the great age of the world begins anew; the golden years return! While in Dublin — for now he visited the capital of the Irish Republic at the invitation of President De Valera on his return from America — his mind did receive a stimulation and a nourishment in the great Irish achievement. Ireland had finally repudiated her responsibility to England by refusing to pay the 'annuity'. It was enough for Vithalbhair that he was present at the hour of Ireland's redemption. Such an event could hardly fail to arouse certain anticipations in his mind. How his heart must have rejoiced and vibrated to that tune and seen in that hour of greatness the first faint streaks of another dawn in the destiny of his own country! From this time onwards, for the remaining brief spell of his life, he seemed to return to this dream again and again.

After a strenuous time in America, the strain of active work in Ireland proved too heavy for his frail body to bear. Age ailments, overwork, anxieties, disappointments and worries of public life had shattered his health competely. He was anxious in fact — pining to return to India. On his way home, however

it had now become imperative to take Vienna in the stride. From London, therefore, he went straight to Vienna for medical treatment. And he carried his new dream of Free India with him to Vienna. His last days there and later on in Geneva were marked by this ever recurrent thought about his country. It became his *idée fixe*. And it was this which largely made his collapse inevitable. Struggling against physical infirmities and the encroachment of time, Vithalbhai placed himself in the hands of his old friends Dr. Hans Lorenz and Dr. Schlesinger, who were obviously distressed to find that their patient had trifled with his health. Among other things, the doctors pointed out to him how necessary it was for him to relax the mind, particularly because he had now added heart trouble to his other ailments. Vithalbhai replied: "The difficulty is that you doctors conceive of a mental rest when that is a practical impossibility. How is it possible for me to free myself from the struggle which is going on in my country?"

In Vienna, Vithalbhai found himself in a state of mind which was the exact opposite of what might be deemed favourable to recovery. There was present every deterrent imaginable towards a return to anything like equanimity or placidity of mind. Between his departure from Vienna some months ago and his return, every step he had taken had laid a burden on his mind. The enormity of the work he believed he had still to do in America left its own strain on him. Who else in that distant land would stand up for the cause of a fallen country, almost a pariah among the nations of the world? The spectacle of a free Ireland obviously stimulated his aspiration and lent a sharpness to the conflict which was raging in his mind. But it only gave a fillip to a desire which was incapable of being gratified. And then there was the poignancy of being in exile, of being forced to down arms. Nothing to the true warrior is more galling than this sense of his own feebleness. One of the most excruciating experiences which man goes through is when, where his heart is, his hand cannot be.

This yearning for his country made him leap up at every important piece of news that arrived from India. Mentally he was as much engaged in the struggle as the busiest leader in the thick of the battle. There were rapid, almost kaleidoscopic,

developments in the political situation in India. 'The vast, stolid, illiterate masses' of India, vibrantly responsive to an appeal to faith, were engaged in a life-and-death struggle; with suffering as the only weapons in their armoury, they had succeeded in convincing the sceptical and distrustful, how futile it was for any Government to attempt to crush by brute force, the passive rebellion of an entire nation. Pandit Madan Mohan Malaviya, one of the oldest and one of the most moderate leaders of the Congress, declared in his speech as the President-elect of the Indian National Congress, that was scheduled to meet in Calcutta in April 1933, as under:

"It is estimated that nearly 1,20,000 persons including several thousand women and quite a number of children have been arrested and imprisoned during the last fifteen months. It is an open secret that, when the Government started repression the official expectation was that they would crush the Congress in six weeks' time. Fifteen months have not enabled the Government to achieve that object. Twice fifteen months will not enable it to do so."

"There are only two great powers in the world, the Sword and the Spirit" said Napoleon, 'and in the long run the Spirit always wins.' The Indian thought, intensely stimulated by the profound teaching of nationalism, was anxious to assert the supremacy of Spirit over the Sword, despite the resort to the severest measures of repression and the Ordinance Raj of the Government of the day. Those of the politically-minded Congressmen who were still out of prison were seriously engaged in devising ways and means to fight the distant danger of the Civil Disobedience Movement fizzling out under the strain and stress of of the Viceregal Ordinances. Just when the enthusiasm of the national workers was being resuscitated and the response of the masses had begun to prove encouraging, their upsurging Spirit received a rude shock, but not from the expected quarters this time. The whole country was startled, one fine morning in May, to hear that the Mahatma had decided to go on a three weeks' fast as a penance for the failures of his followers to make a satisfactory progress with his anti-untouchability campaign. Government considered it prudent to release Gandhiji, as the object

of his fast was that of bringing about a change in the hearts, not of the bureaucracy but of his own countrymen. The day after his release Gandhiji *announced the suspension of the Civil Disobedience Movement* and also his intention to devote his undivided attention to a programme of work for the uplift of the 'Harijans.' This 'cessation of hostilities', at the psychological moment was nothing less than a shock to many. Under ordinary circumstances it would have produced a wide-spread revolt all over the country. But, as Gandhiji was in the midst of his fast which might end fatally, nobody in India dared to give honest expression to his convictions, whatever they were. All judgment was suspended for the time being.

Vithalbhai, at this time, was in Vienna, which had become the European Headquarters for Indian affairs, not only of Vithalbhai but also of Subhash Chandra Bose, and where an unending stream of Indian visitors flowed to receive their lessons in politics from the old dying champion of consistent and persistent obstruction to the Government of India. At this time, Vithalbhai confabulated, rather on very intimate terms, with Subhash. They agreed that the time had arrived for direct action, but while Vithalbhai would rely mainly on a gigantic mass movement in India, Subhash had unbounded faith in an alliance with the enemies of England. It was in this tense atmosphere that Vithalbhai and Subhash decided to issue a joint statement against Gandhiji's policy as it had developed at the time. Mr. Alfred Tyrnauer has given a graphic account of ~~how~~ this statement came to be issued in *The Saturday Evening Post*. This account was reproduced in the *Bombay Chronicle* weekly on the 23rd of July, 1944. It runs as under:

"I can well remember the strange picture of a modernly furnished Vienna hotel room in which the two striking Orientals (Vithalbhai and Subhash) sealed their portentous agreement. Following a telephonic invitation, I visited Patel one day in the fall of 1933 in the Vienna *Hotel de France*, where he was dividing his bed-ridden days between his physicians and his friends.

After a cordial welcome, Patel explained, 'we are about to issue a joint declaration against the passive resistance policy of Gandhi. We are both of the opinion that India has arrived at a

stage of revolution, where a more active policy is called for. There is but a little difficulty with the wording to be smoothed out. My young friend, Bose, believes that an attack must be sharp like a dagger, whereas I hold one should not be careless in one's own house.' Bose interrupted, 'Gandhi is an old useless piece of furniture. He has done good service in his time, but he is an obstacle now.'

'Maybe, he is', agreed Patel reluctantly, 'as an active politician. But his name is of great and permanent value. We must take that into consideration.'

* * * *

'Patel looked at me with his intelligent dark eyes. 'For old friendship's sake, I want you to be the first correspondent to get this joint statement, which might possibly be of far-reaching importance.' He chuckled. 'It might put an end once and for all to the useless Round Table discussions, by frightening some people to seek cover under the table.'

I ventured to observe that the Round Table discussions might serve to clear the issue even though they had shown no definite results.

Bose interrupted his writing. 'No real change in history has ever been achieved by discussions', he said.

'Well, the only alternative is violence.' I answered. 'Revolution, war — under the present tension-laden circumstances — even a world conflagration.'

'What of it?' retorted Bose passionately. 'India can well afford to bring a bloody sacrifice for her liberation. Three hundred and fifty million miserable lives are waiting for deliverance!'

Patel turned to me with a faint smile. 'He speaks the mind of young India', he said slowly. 'It may be a brilliant mind, and may be a foolish one. It may be creative or it may be suicidal. But it is here, and if the Gods are thirsty, what can we do but offer our blood?'

Bose finished writing. I looked over his shoulder and saw the sentence: 'We are clearly of opinion that as a political leader Mahatma Gandhi has failed — ' Then: 'The form of Non-Co-

operation will have to be changed into a militant one, and the fight for freedom (will have) to be waged on all fronts'.

He handed the script to Patel, who finally gave his approval and signed it.

He turned his impressive prophetic head towards me and said, with a melancholy smile, "This may be my last political act. If you wish, my friend, you may keep the original declaration. It might become an interesting document some day. Or just a souvenir."

It *was* his last political act. Soon afterwards, he died of a heart attack, while the joint appeal helped to establish Bose's reputation as Patel's successor and Gandhi's rival. Thus the hand-written proclamation — now in my possession — has indeed become a significant document."

The text of the statement is as follows:

"The latest action of Mahatma Gandhi is a confession of failure as far as the present method of the Congress is concerned. We are clearly of opinion that as a political leader Mahatma Gandhi has failed. Time has, therefore, come for a radical reorganization of the Congress on a new principle and with a new method. For bringing about this reorganization a change of leadership is necessary, for it would be unfair to Mahatma Gandhi to expect him to evolve or work a programme and a method not consistent with his life-long principles. If the Congress as a whole can undergo this transformation it would be the best course; failing that, a new party will have to be formed within the Congress, composed of all the radical elements. Non-Co-operation cannot be given up, but the form of Non-Co-operation will have to be changed into a more militant one and the fight for freedom (will have) to be waged on all fronts."

The statement hardly produced any effect on the public mind. The Indian people were then more concerned with the Mahatma's health than with any plans for the future. To criticize Gandhiji at a time when his life was endangered by the fast was looked upon as imprudent, if not much worse.

This last major political event of Vithalbhai's life does bespeak an exceptionally active and also a militant mind. But there was nothing intrinsically surprising in this attitude of his

towards Mahatma Gandhi's peculiar approach to politics. There was a definite gulf between the two, actuated though both of them were by the same spirit of whole-hearted national service, and though both of them had dedicated themselves to almost the same goal. Vithalbhai would never confound the ultimate aims and ideals with the means and methods by which those aims and ideals have to be reached. Under changing circumstances, he held, that the means and methods have to be changed from time to time. He might not have scrupled to use a means that might seem tainted to one who judged everything by the extreme standards of a very individual moral sense. The one merit he looked for in any specific line of action was its effectiveness in a given situation. The question, whether and how far the end is vitiated by the means, he would have left to the metaphysicians to juggle about. After all, situated as he is in this practical world, man cannot ask for absolute purity of means or purity beyond a certain limit. He did demand, however, extreme rectitude and unquestioned honesty of purpose in a leader, and none exemplified it better than himself. He would not have, as Mahatma Gandhi tended to do, spiritualised politics in his own arbitrary spiritual sense, much less would he have thought of seeking the sanction of the inner voice for every move in his game. Politics was to him a purely secular venture which required one's close and constant attention to the scene around, and he was sure that real wisdom lay in being able to turn to use every adventitious circumstance that could be pressed in the service of the country's ultimate good. It was a battle of wits in which keenness of mind, resourcefulness and undying perseverance were a *sine qua non*.

Vithalbhai's was mainly a commonsense point of view and an intellectual approach. Barring the fact that the true leader is both intellectually and emotionally attached to the ultimate goal, he would, by a calm exercise of intellect, turn to advantage the sway which sentiment exercises on the masses and not be swayed by it himself. What seems likely to have exasperated him in Mahatma Gandhi's ways was the incalculable element of a wayward inner voice which refused to be dragged into the light of reason. This obscurantism or mysticism, whatever one

may choose to call it, which is liberally coated with films of moral sentiment was a potion Vithalbhai could not bring himself to swallow. The fact that Mahatma Gandhi had developed an altogether novel method to answer a novel situation in India, and that had had a certain measure of success, had weighed with him, but he had none of the devotee's supine attachment to the Mahatma and therefore, as soon as he felt that the Mahatma's leadership did not answer the situation, he was ready to put it away and begin anew. Above all, he was all agog, hungering for a more vigorous line of attack than had been possible under the then existing leadership of the Congress.

The note of violent dissent apparent in the statement must have gone against the grain of many a Congressman, especially as the wisdom of it could not be tested in the absence of a chance to implement it. If to judge it by the results expected is difficult, it is certainly not difficult to notice the fire that burnt within his mind at this time. Here, certainly, was none of that age of timidity, the precursor of the political death of many an ageing politician. One can easily see in it the last characteristic stroke of his political acumen. For, if readiness to change the methods to suit the ever-changing situations be wisdom, if to refuse to be tied down to the chariot wheels of an accepted dogma or a time-worn programme when there could be a better, to explore new ways with a mobile mind, to be never brow-beaten or intimidated by the irrepressible, to lay the mind open to other possibilities, to be eminently practical, to allow no illusions to obscure the goal or the worthwhileness of the means and above all to care for expediency, if this be political wisdom here was God's plenty.

Thinking of this last phase of Vithalbhai's politics, the fact of his 'exile' is once more brought home to us. As Shapoorji Saklatwala put it, 'his last days of illness were most irritating to him, for he had acquired fresh convictions and he was most impatiently wishing to return Home to play his part in a new effort and by new and different methods.' The fresh vision might have blazed a new trail in Indian politics but it never reached India. The little bloom of hope it engendered died in mere promise.

Very little remains to be chronicled of his remaining days

at Vienna. There was a definite breakdown in his health on his return from America. While his old intestinal complaint had gathered strength, there now appeared clear signs of the weakness of the heart. Ever since he arrived in Vienna in April, 1933, he had been under medical treatment and had showed but slight improvement. It was difficult to get him to take a sufficiently serious view of his health and particularly of this ailment of the heart. His restless spirit would not brook the conditions of passivity and enforced rest which was demanded of him as an invalid. In fact as the shadow deepened, the fighter freely owned that he was waging war against One who conquers all. He, who in health had been so clear-sighted and had disdained to feed the mind for a moment on comfortable illusions would not flinch from the reality before him. So strong was this consciousness with him that Subhash Bose reported from Vienna that the worst symptom in his condition was that 'he persists in saying that he is going to die soon.'

Nothing happened in Vienna to relieve the desolate monotony of these days of his at the clinic, except an incident which has now acquired some significance, because it seemed to have foreshadowed the coming event. When the news of Sen Gupta's death reached Vienna and a meeting was held to express sorrow at his passing away, Vithalbhai was asked to preside. The feeble old man — he had aged visibly — was in fact escorted to the chair. It was perhaps inevitable that he should have fallen into a sort of reflectiveness and lingered long and feelingly over the procession, before his mind's eye, of the dead and the dying who had hallowed the path of India's march towards freedom with their sacrifice — Lajpat Rai, C. R. Das, Motilal Nehru, Sen Gupta, men of that giant brood to which he himself belonged. He felt so sad, so depressed, so forsaken and forlorn, as he visualised before him, his esteemed and beloved colleagues, one after another dropping away, leaving him to mourn their loss. *The next turn would be his*, he said — as calm and clear a premonition as ever came to the clear-sighted on earth.

At Vienna, if there was no hope of complete recovery, the prospect was not absolutely dark. The Viennese specialist, Dr. Lorenz, the surgeon who treated him, sought to prevail upon

him to continue his stay at the clinic for some time more. But Vithalbhai once more disregarded medical advice. All the pleadings and entreaties of friends proved unavailing. He resolved to undertake a journey to Geneva in order to represent the case of India at a meeting, which he said, he was anxious not to miss. As on the previous occasion, his sense of duty proved too hard a task-master for his broken down physique. It was unfortunate that he was allowed to go alone, and unattended. The journey aggravated his malady, and about the 10th of September he had another breakdown. For some days he used to get temperature. The Geneva doctors advised him to leave immediately for the *Clinique La Lagnierein Gland*, which is an hour's run from Geneva. In spite of the best efforts of the doctors and nurses at the clinique his condition continued to be serious. He had another acute heart attack and towards the end of September, for days together, he lay hovering between life and death.

Vithalbhai's condition grew worse and worse every day; his strength declined rapidly; and above all, his sense of helplessness now began to affect his spirits. It was evident that the end was stealthily approaching. There was nothing but disappointment in store for all concerned.

Though his health had broken down, his mental agility and acuteness were as sharp as ever; his mind remained unclouded to the end; his powers of perception were as keen as ever and his indomitable spirit deserted him not even in the midst of his physical ailments. Has not Browning said, "I have been a fighter all through life, one fight more!" Valiant Vithalbhai was still full of fight and vigour. He looked like a great fighter fighting as hard as he had always fought, sparing no one and asking for no quarter, making one last deadly onslaught before he left the arena. None ventured to think he was a dying force.

Nationalist India was deeply concerned, disturbed and perturbed over the grave news about Vithalbhai's health, which was flashed over the wires by the Press. An unending stream of good wishes spontaneously flowed from all quarters. Bombay offered prayers for the speedy recovery of their leader. Expressions of sympathy and sorrow from every corner of India were

conveyed to the stalwart of Indian Nationalism. Outpourings of reverence and admiration were witnessed in the Press and on the platform in abundance for the devoted and inestimable services rendered by the selfless patriot. On learning of his grave and serious condition, several friends including Walchand Hirachand, Ambalal Sarabhai, Bhulabhai Desai, Diwan Bahadur K. M. Jhaveri, Sir Dennis Bray and several others, who were at the time round about Geneva, rushed to his bedside. He looked forlorn and ill, with the shadow of death hanging over him. The pathos of the situation struck the visitors and evoked a sympathetic chord in every heart. The sight of old friends and comrades cheered the heart of the dying hero. Grimness left his face. Smilingly he would shake hands with them and convey to them that his hand-shake was not a mere grip of the hand or a brief adieu. Visitors had a peep into the most radiant friendliness in the world. The cordial hand-shakes of the dying patriot impressed upon them the fact that politics was one thing and friendship another. Even in this human drama with its lightning chase of scenes, there were moments of charming and touching interludes.

There were voices from abroad, and words of sympathy from his friends all over the world reached him, among them a friendly letter from Irwin. That letter we quote here, as showing Irwin's personal regard for him, though now, in politics, they were as the poles apart:

88, Eaton Square,
S.W.1.

10th October, 1933.

Dear Mr. Patel,

I had seen some time ago that you were ill, and have now just received a letter from Miss Harrison giving me an account of your health, and that impels me to send you this line.

Much has happened since we had occasion to see a good deal of one another in India, and in public affairs I am afraid that **we must be very far apart.**

But that does not prevent me sending you a message of *very true sympathy* from Lady Irwin and myself in your illness, and saying how warmly I would wish that the doctors may be

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able to restore you to health. You have had a bad time, and I fear you have been suffering much pain. *I have often thought of you.*

V. Sincerely,
(Sd) Irwin.

In this closing scene of Vithalbhai's life in a foreign land, surrounded as he was by every human kindness which circumstances could permit — the doctors, nurses and other members of the Clinique staff gave him unstinted service in a spirit of devotion — it was a labour of love to them to nurse him — he could not altogether get rid of the bitterness which was bound to remain with him at the thought of his having to be away from Home. Of the peace of Home and the warmth of the domestic hearth, he had hardly a common man's share at any time in his life. Among the thousand and one messages of hope, sympathy and commiseration, the one and probably the only one that could have comforted the drooping spirits of the departing soul was sadly missing. There he lay, frail and hopelessly weak, struggling manfully with his illness, just a shadow of his former self. There was none from Home by his side to sooth him in his moments of distress; none to console and comfort him at the time he was experiencing acute pain and extreme suffering and weariness; none to sob and shed tears on the occasions of a near-collapse brought on by the ever-recurring spasms. In this critical condition the very thought of being away from his brother Vallabhbai, to whom he was the very embodiment of courage, strength and sagacity and with whom he had shared the joys and miseries of human triumphs and defeats in the spirit of complete identity of interests for well-nigh 50 years, was enough to torment him more than even the most excruciating physical agony. The panorama of several memorable events of boyhood and adolescence and adult life, right up to 1930, must have unrolled itself before his mind's eye. They had relied so much on each other and they had so much to do together amidst the storms and stress of public life. The thought of being separated from, if not neglected by, his brother who was to him a friend, a colleague and a companion in life must have oppressed him.

and made his last days wretched and miserable. Obviously he could not have him by his bedside, but even words of cheer and comfort were sadly missing!

Vallabhbhai himself, on the other hand, had grown restive and restless in his desolate sense of separation. The temporary rift in their personal relations, separating them, one from the other, for some time, on the shifting sands of politics had been welded by the flames of fire ignited by a brother's heart. The acid austerity of the iron-willed and stern Sardar had melted as would the mist at the warmth of the Sun. The shock was too great for him and the thought that his brother might leave him within a few days, had become an intolerable obsession with him. From behind the prison bars, he did write several letters conveying his grave concern and deep anxiety over his brother's illness. Fate, however, had ordained otherwise. It is a thousand pities and to the eternal shame of some mysterious *agency*, that these letters, full of hope and encouragement of which the dying soul was in such sore need, did not reach Vithalbhai at all! It was, indeed, a cruel blow dealt by Fate. They who, knowingly or unknowingly, stood in the way of communion between the two hearts before being separated for ever and for ever, can hardly be excused for this inhuman, outrageous and dastardly deed of theirs.

Even to himself, Vithalbhai appeared a lonely man making his last peace with the world. Yet it was never his habit to wear his heart on his sleeve for daws to peck at; and with splendid self-control he presented to every visitor a friendly aspect. The doctors testified to the unfailing amiability of his temper. There was a certain serenity in his bearing which marked him out as a man whom the thought of personal pain, which has been the common tyrant of the sick bed, hardly seemed to have touched.

To the visitors Vithalbhai presented a spectacle that was indeed tragic, and yet a look at the sick man puzzled them. "This man ought to be in despair, but he is actually mocking at us!" They seemed to exclaim. All his life it was this perfect *sang-froid* and inscrutable self-sufficiency of his that surprised everybody. In the actual presence of death before him, it became a truly

terrifying thing about him. It made common notions of death look ridiculous. They instinctively dwelt on the pity of it, and he who had never known nor acknowledged inferiority of any kind, nor was touched by the blasting breath of self-pity scorned this very sympathy in the surrounding eyes. He was not in a sorry predicament; he was only near to death. This detachment came of his attitude to life as a play — a drama in which man has his entrance and his exit, and, in between, an interval before the foot-lights, when the player struts and frets his hour upon the stage and then is heard no more! All he can do is to play that part well for which he is cast. And how can he do that, if he fights shy of the exit or shows a morbid propensity to linger on the stage when his part is done? Vithalbhai knew that his part was done!

An incident that took place at this time, and was lovingly recalled in India was the visit of Sir B. L. Mitter and Lady Mitter. As they were coming away from his bed-side, Vithalbhai charged Mitter to give a message of good-will to all the parties in the Assembly.

The end was hastened by further complications in his condition. The doctors at the Clinique discovered symptoms of *uraemia*. This caused a good deal of anxiety. On the 13th of October, Vithalbhai's condition became critical; but he struggled through this crisis. Dr. Schlesinger flew from Vienna, and on examination found the patient in a slightly improved condition. But the hope of the ordeal being survived was very remote. The writer of these pages received a cable from Subhash Bose on the 15th morning, asking him to 'start immediately' for Geneva. Under instructions from Vithalbhai, ever since his condition became grave, the hospital authorities and, later, Subhash Bose, sent to him every day the latest news about Vithalbhai's condition. He had kept himself ready for a call to 'start immediately.' In fact he had intimated his readiness to be at his bed-side at a moment's notice. All these days, Vithalbhai had been gradually sinking and yet the call was inexplicably delayed. He left Bombay on the 15th evening by train for Karachi, from where on the 18th morning he took an aeroplane for Italy, reaching Brindisi on the 22nd of October. He was thus late by 24 hours

On the night of the 21st, Vithalbhai had renewed attacks of the heart trouble. He was fast growing worse. Everybody, even the patient, knew that the final stage of the journey that was fast drawing to a close had been reached. When the morning broke, the frail weak frame, almost a shadow of the old Vithalbhai, lay in bed, sustained only by his indomitable will, but with a mind unclouded and in possession of its native calm. Outside lay a fair morning sky on the Swiss country-side and the nurse brought in flowers to brighten up the sick room doing her daily round of routine. She was surprised by the sudden remark from the bed 'No, no, Miss! it is yet too early for the flowers!' It was no use attempting to persuade him to believe that he had some more time yet, or to get him out of this mood to mock at his own approaching end. When the nurse persisted in holding out hopes, Vithalbhai exclaimed with a tinge of sadness in his voice "well, then, start, packing your things, if you are serious in accompanying me: only a few hours are left now!" When Ranchhoddas Lotevala, his old personal friend, entered the room, Vithalbhai greeted him with the same old, incurable humour of his. "You are accompanying me, are n't you?" asked Vithalbhai. "Certainly", replied Lotevala, "I have booked our passages for Bombay per M.V. Victoria." "You cannot run away to Bombay now!" remarked Vithalbhai. "Come on, it is not such a bad place, the place I am going to." He was in his usual easy temper, ready to converse, ready to joke about the journey that awaited him. It was a journey for which he had received his call. What occasion was there for moaning or for irrelevant tears? He had lived his life. Presently he felt the moment had come. Though he was in the enjoyment of good spirits and his faculties were unimpaired, the last hour witnessed the gradual sinking. The doctors tried in vain to sustain him by oxygen; but after a short while, with his own hand he removed from his mouth the tube that conveyed the oxygen which sustained him, and simply said, "I think my time is up", turned on his side and expired at 1 p.m. on 22nd of October, 1933.

A serene sweetness like that of the sunset sometimes attends the end of a great man, and others have died with *bon mots* on their lips. The intellectual Goethe died calling for more light.

Socrates, who with an almost godlike self-possession watched the slow progress of his own dissolution under the poison which he received as a gift from the State, advised, comforted and blessed his friends when he left them for good. Vithalbhai lay for a month and more, on his sick-bed, face to face with death but the thoughts that crossed and recrossed his mind were those prompted by the grim reality of his country's thralldom. In his last conversations with his friends, he advocated new methods, new tactics, and gave instructions about how to capture key-positions, how to reorganize. Like a Yogin he had lived and seen much in life and like a Yogin, before he vanished from the scene, he would give the benefit of his experience to those who remained behind. At the last moment there was nothing that stood between him and the Author of his being, no regret, no attachment to the things he had loved and it was in this mood of universal benevolence that he bade farewell to the world in the words: "Give my blessings to all my countrymen and all friends in India and throughout the world. Before I die I am praying for the early attainment of India's freedom."

Thus died Vithalbhai, mixing his country's name with his last breath, the symbol of the soldier who dies with the sword unsheathed in his dying hand — to such a life of struggle as his — a fitting close, a consummation devoutly to be wished for. His was the type of heroism which we instinctively associate with youth — when hearts are high and bright-eyed youth goes out to meet death. The difference is, Vithalbhai fulfilled this ideal in age. There was an unbending, steely quality in his patriotism which was manifest in every gesture of the man when he lived; and when he died, he left to his countrymen this legacy which no Indian will willingly let die; *The nobleness of life is to do thus.*

Chapter Forty-Seven

THE LAST HOME-COMING

HE who had laboured so unceasingly in the cause of his country's freedom died a political exile in Switzerland, the land of the fearless and the free; he who died with India's name on his lips, inhaled for the last time on earth the India's name on his lips inhaled for the last time on earth the in Indian hearts was touched. Vithalbhair, their leader, their hero, was forced by an alien Government to spend the last few months of his life thousands of miles away from the Homeland where his heart was, wherever the body might be. They gloried in his ultimate exaltation; they admired his lofty bearing to the last. If controversy punctuated his political career, he died at peace with himself and the world. The greatness that was in him cast a spell of greatness over his people. When they saw "greatness passing by, themselves were great."

Though the end was not altogether unexpected, his countrymen received the news with dismay not unmixed with resentment at the fact that he was practically driven away from Home to die in lonesomeness abroad. A star of the first magnitude, they felt, had been knocked out of the political firmament; some suffering brilliance of the highest magnitude had been quenched. The void it left was great. They were overwhelmed by a deep sense of an irreparable loss and unmitigated sorrow. The sad intelligence of Vithalbhair's demise spread with lightning rapidity and a thick pall of gloom lay all over the land. 'Vithalbhair is dead' was the cry on everybody's lips. Nationalist India was stunned. While friends, colleagues, admirers, and even antagonists and opponents in the political arena showered glowing and well-deserved tributes on him, while newspapers, in black borders, published long and detailed narratives and appreciations of his life and career; the people, in every part of the country, paid their homage to their beloved and respected leader in the traditional Indian manner — all business stopped, every market

remained closed, shops put down their shutters and mills ceased working. Nation-wide mourning was observed at the passing away of the National Fakir in harness. The spontaneous 'hartals' all over the country were the measure of the love his people bore to him. They mustered in tens of thousands at the meetings convened to mourn his death.

Public grief over the national loss was profound and universal. India recognized the irreparable loss of her national hero and was equally and emphatically unreserved in the expression of her testimony to his worth and greatness. Friends and admirers from Europe and America mingled their tears with those of his countrymen and mourned the premature death. Condolences poured in from all quarters of the globe. Even his warmest and most devoted admirers were astounded at the flow of tributes from all over the world.

While every such, tribute underlined Vithalbhai's ability as a politician and parliamentarian, to the ordinary people it was his patriotism, his service and his sacrifice that made the greatest appeal. Their sense of loss was therefore all the greater. Vithalbhai to them was not a mere parliamentarian as the Anglo-Indian Press sought to make out. His skill in that sphere was only a corollary to his undying love of national freedom; his work as the President of the Assembly was but an episode in his long struggle for India's independence. His varied and versatile abilities evoked unstinted praise from friends and foes alike. One and all, within the Congress and without, mourned the premature termination of a great and noble career. The passing away of Vithalbhai was to them a national calamity.

Pandit Jawaharlal Nehru gave expression to his feeling thus:

"One by one Old Guard leaders — fighters of India's freedom — pass away leaving a terrible emptiness behind. The strain of the fight breaks their physical strength, and prison life and advanced age ruin their health, but the call of the great cause continues to beckon them and they go forward till the end. Mr. Patel was a fighter for a cause — a warrior battling for India's freedom, The cause of freedom has consumed many brave warriors in its fires, and it will consume

many more of India's sons and daughters. But the cause remains, the fight continues and shall continue till the goal is reached."

To the Congressmen, he was a trusted colleague and comrade, to the 'constitutionalists', he was a friend and guide; and as for the bureaucrats, he was a thorn in their side. And yet they, too, did appreciate him. In him they had met their match. His death brought together all these heterogeneous elements in the body politic. If Vithalbhair received such universal encomiums, it was partly because he approximated to the model politician of their imagination. Theirs was mainly an intellectual judgment and approbation. Death often does what a whole life-time fails to achieve. It was, indeed, one of the most impressive displays of unanimity of opinion such as would warm the cockles of any Idealist's heart.

The nation baulked as it was of Vithalbhair's last days was anxious to do all possible honour to his remains. The bringing Home of the body became a sacred duty. It was, in effect, the fulfilment of his last wish — the wish that he should be taken to rest on Indian soil. To a cynical way of thinking it might appear a mere superstition to display that solicitude for the body which was due to the spirit which had departed. He was beyond the brazen blare of trumpets, beyond the farthest reach of our solicitude. Were it not better to let him rest in peace? The mind would, however, fasten upon a palpable something to rest itself lovingly on, and would not be deprived of this means, pitifully inadequate though it be, of conveying its love and adoration. Thus it was in the spirit of 'Home they brought her warrior dead' that the remains of Vithalbhair were received in India. No man, dead or alive ever had a more open-armed welcome from his country. In the strained political atmosphere of India this was an event which could not but produce an upsurge of enthusiasm such as only a suppressed nation can show at the thought of its liberator.

Arrangements were made at Geneva for the embalming and packing of the body suitably for the voyage and the escorting of it Home. In view of the fact that certain statements were made in the Press at the time, about the sources from which these

the present writer to put on record the fact, (in fact he had already done so in the *Bombay Chronicle* of the 12th of January, 1934,) that all these expenses were defrayed out of the moneys left by Vithalbhai himself.

On the 28th of October, 1933, the sealed coffin was taken by car to Marseilles for embarkation on s.s. *Narkunda* and at the same time a cable was sent to Sarojini Naidu and Jamnadas Mehta intimating to them the scheduled arrival of the vessel in Bombay on the 9th November, 1933.

On board the steamer all kinds of rumours were afloat. The presence of Vithalbhai was felt by everyone as vividly as if he walked the boards in the flesh and joined us at table. Not infrequently did the conversation centre round this strange companion on the voyage. Certainly he lay heavier on the minds of some than in the hold of the ship. They made lurid forecasts of the reception we were going to have at Bombay. To judge by the opinions they pronounced they were indeed a very mixed company. Mrs. S. R. Das was perturbed by a remark from an Englishman on the deck. On being informed that it was Mr. V. J. Patel whose body was accompanying them, he burst out with "Thank God, we are taking him dead." Mrs. Desai's sensibilities were hurt and she was palpably in rage; but this was by far the best tribute an Englishman on his way to India, whether connected with the bureaucracy or not, could have paid to Vithalbhai. How it would have pleased his soul to know what a terror he had become to the White man! The Government of India outdid this gentleman and showed plainly enough by the restrictions and the police 'bandobust' with which the remains were received in Bombay that their fear of Vithalbhai dead was just as great as that of Vithalbhai alive! In fact, conflicting and rather alarming reports came to the Captain of the ship, at fairly frequent intervals, of how the body would be received in Bombay. The Captain ascertained from the present writer what his ideas were in the matter, and when he realised what the present writer wanted, the Captain assured him that he was the master of the situation, so long as the body was on board his ship, and that he would hand it over to him and to nobody else.

S. S. *Narkunda* touched Aden on the 5th of November and the Indians of Aden had an opportunity of paying their homage to the departed leader on his last pilgrimage. The coffin was carried from the bullion room and kept on a low hatch, wreaths and garlands were showered on it till it became a mass of flowers and khaddar. The present writer was called upon to say a few words on the loss India had suffered in the death of this great leader of India. At this far outpost of the Indian Ocean was received the following telegram from Sarojini Naidu and Jamnadas Mehta: "On behalf of the nation we send respectful salutations to Vithalbhai's earthly remains on entering Indian waters". This gave some of us the impression that there was a fair prospect, after all, of the obsequies being allowed to be performed in consonance with the dignity of the proud spirit of the man and the ideals he lived and died for, and above all with the self-respect of the nation that rose to do honour to one of its greatest sons. This hope proved false, as hoarse and unseemly disputes began to develop round the question of the funeral. Perhaps, after all, it was a vain hope, circumstanced as we were in this country of ours.

The Executive Committee that was formed with Horniman as the chairman, to arrange for the funeral on behalf of the people, with the full concurrence of Vithalbhai's relatives, had at first arranged everything, in accordance, as far as it could be, with the wishes of the people. The original plan was to disembark the coffin at Apollo Bunder, thereafter to arrange for the 'lying in state' for a few hours at a suitable place and finally to take in a procession the body enclosed in the coffin, but with the face uncovered for being cremated on the Chowpatty foreshore. There was at the same time a move to persuade Government to release Sardar Vallabhbhai Patel — then in Nasik Jail as a sequel to the Civil Disobedience Movement — so that he should be able to take part in the obsequies of his brother. As it turned out, however, not one of these ideas could be carried out. The manner in which the programme was whittled down, to what it was actually brought to, would make painful reading. If the Committee imagined that the people's desire in the matter of honouring the national leader would be respected, they were

pitifully undervaluing India's degradation. The people and the Government disagreed about the fittest way of laying to rest the remains of Vithalbhai. The Committee itself could not escape the whole blame in this affair, because it was quite clear that they had not shown the necessary grit and had acquiesced too readily in the arrangements proposed by the Police and the Government.

The grateful public was anxious to respect Vithalbhai's memory by fulfilling his last wish, which was that he should be sent to eternal rest by the side of Lokamanya Bal Gangadhar Tilak on the Chowpatty foreshore.

This brought home to the minds of the Indian people the basic similarity between these two great men of a now bygone age, titanic personalities as they were. Their political creed had so much in common. Both of them were by temperament drawn to the dusty arena of concrete issues, both felt in their views the quickening of intellectual life and both believed in keeping politics within the realm of practical life, and both insisted on the commonsense point of view. Above all, they shared that ability to lift the mind above 'the smoke and stir of the dim spot which men call Earth' and view men and matters in their proper perspective. They refused to accept tyranny or slavery in any shape or form, much less that insidious form of it, which is no other than intellectual tyranny. Their minds were clear of cant and they were impatient of any form of obstructions that might obscure the straight issues before them. It was that rare blending of idealism with political adroitness which marked out these two lion-hearted men of India as the true types of the Patriot-Politician Statesman.

To the thinking Indian, this last gesture was pregnant with deep significance. What Vithalbhai would not make explicit in so many words, he had pointed out, as was his wont by means of a subtle suggestion. Had he not thus in his own unmistakable way told his countrymen where his true political bearings lay? It was at once his cryptic comment on the foggy muddle-headedness and the specious unreason of the then current ideologies and a clear indication of the straightforward policy of rational action, which he himself preferred, so that his wish

could be to aftertimes a fingerpost pointing out the way he would have liked Indian politics to take.

All his life, Vithalbhai had lived on the larger stage of humanity transcending the petty barriers of opinion, creed, or fanaticism that divide man from man. He wished that no taint of sectarianism should mar this last rite. He wanted it to be a bare return to the elements which gave him birth, the only true end to the life of a patriot. He wished to be cremated, not as belonging to any particular religion, but simply as an Indian. Let the body worn out in the service of the people, be consumed — that was his most ardent desire — in the presence of the elements, with no more ceremony than that of the washing of it by the waves. What could be more in keeping with the life of a Fakir who was indeed in the world but not of it? What could draw the public mind more pointedly to the *leitmotif* of his life's work than this simple yet apt *finis*?

But that was not to be. The Committee did announce its intention to arrange for the cremation of Vithalbhai's body on the Chowpatty foreshore which was already hallowed by the mortal remains of Bal Gangadhar Tilak — that giant among patriots. But much as the people thought of the magnitude and relevance of Vithalbhai's last wish, the bureaucracy and the powers that be in India saw otherwise. And the Committee weakly submitted to the will of the bureaucracy. In this country there was (perhaps is still) a Government of Civil servants and not a Government of statesmen; from their office chairs and exclusive clubs, they claimed that they could judge the trend of public opinion expressed in public halls and courtyards. Once again they compelled the Indian public to recall the memorable words of Montagu about the Government of India being too wooden and too inelastic.

The officers of the Government had their own peculiar standards and tests of measuring the intensity of 'public safety' and 'public interests'. Times without number their idea of public interest had proved to be just the opposite of what the public ever cared for. The Government issued a special communique, stating that they refused permission for the cremation of the remains of Vithalbhai on the Chowpatty foreshore, lest it might

set up 'an undesirable precedent.' The Government Press Note further said:

"... The place would. . . tend to become not only a *Hindu* burning ground but also a *Hindu* mausoleum.

"In the opinion of Government it is undesirable to encourage any tendency to convert the Chowpatty foreshore to these purposes. It has long been a popular resort of all classes and creeds in Bombay and its area is limited. The convenience and the sentiments of the residents in the locality must also be taken into consideration. Finally, it is undesirable that questions connected with the disposal of the remains ... of prominent *Hindus* should, in any respect, become a subject of discussion to be decided by Government. ...

"... Government are satisfied that due respects to prominent members of the *Hindu* community can be adequately and suitably paid after death on all occasions without the special use of the foreshore at Chowpatty".

The Government Press Note damped the enthusiasm of the public. Vithalbhai was to them only a *Hindu*, at best a 'prominent Hindu' and therefore, they would that his funeral was arranged behind the stone walls of the burial ground of *Sonapur*. By what tortuous process of reasoning and logic they arrived at this curious conclusion, it is not known. By what process of referendum they judged 'the convenience and sentiments of the residents in the locality', they did not disclose. The Press Note was an insult to the departed leader and a national humiliation. It only reminded the public, the very same residents of the locality, that they were not free to determine even the manner in which they should honour their dead heroes and patriots.

The voice of the people was choked; the sense of helplessness was all the greater, because their leaders were in jail. Their embarrassment was heightend because that one voice, the one mighty voice in India that could have moved the pig-headed bureaucracy to respond to reason and to respect sentiment was not heard. Not only did Mahatmaji not raise his little finger in this respect, but, in reply to Subhash Bose's cable to him: "It is desirable that Vallabhbhai should perform the last ceremony.

Kindly arrange'', Mahatma Gandhi issued *on the 28th of October*, a press statement giving his opinion that the proposition was not feasible because the Sardar would not ask for release on parole, and therefore, would not be able to perform the last rites. Government had said nothing in this matter at that time. Nor had Vallabhbhai. But, with this public announcement of Gandhiji, Government felt quite secure, and did not think it necessary to release the Sardar. Instead, just two days before the day on which the funeral took place, i.e., on the 8th of November, they issued a press note, explaining their position. They announced that Vallabhbhai was confined as a State Prisoner under Bombay Regulation XXV of 1827, that Regulation did not provide for a temporary release, whether conditional or otherwise, and that, even in these circumstances, they had informed him that they would release him from the 9th to the 11th, on condition that he gave a promise that while at liberty, he would not make any political speech, nor take part in any political activities, and that he would surrender himself at an appointed time and place with a view to his re-arrest. The Sardar, obviously, could not accept these conditions, and the net result of it was that Vithalbhai, even after his death, had to remain estranged from Vallabhbhai.

To add to public dejection, if not actual bitterness, there was a strange sense of incompleteness felt by the conspicuous absence of a full-throated utterance from Mahatma Gandhi such as the people were wont to expect on every occasion of national distress. At such moments, the Mahatma had always a way of giving to his personal grief a voice and an utterance to which every heart returned an echo. Every one remembered how when Pandit Motilal Nehru passed away Gandhiji had said that he was 'widowed' and had cancelled his multifarious activities in order to be present at the 'Shradha' ceremony. Nor was he niggardly of panegyrics and resonant expressions of sorrow even when Shankerlal Banker's mother died. It was strange, therefore, that on Vithalbhai's demise, this vein in him was suddenly numbed and the Mahatma only felt sorry that the deceased had passed away at a critical juncture in our political life. What was more, he could not see his way even to attend the funeral at Bombay on

the score of his Harijan work, nor be present at any of the numerous functions arranged so spontaneously to honour Vithalbhai's memory. It was inevitable that a sinister meaning should have been attached to this lukewarmness and a reason sought as to why the Mahatma thought it fit to damn with faint praise so revered a personality.

Gandhiji's moving tribute was indeed missing to give an emphatic denial to the stories current about the antagonism between him and Vithalbhai, and this omission gave credit to some silly gossip. On the other hand, it certainly was such a glaring omission as to justify the wildest conjecture and focus the public mind on the differences between them. True, unlike many other leaders of the Congress he was a severe critic of some of Gandhiji's political idiosyncracies and could never be swayed off his mental balance by the vague mysticism of Gandhiji's political methods. A man, above all, rational in thought and deed, he naturally had many a clash with the unreasoning of the Mahatma, and in those days of supine allegiance to Gandhism he was the only leader who could take up an independent position in politics and work along his own lines.

True, again, these differences were never allowed to affect their regard and friendship for each other. Even if Gandhiji was inclined to resent some particular action of his, the profound respect which Vithalbhai showed to him was sufficient to disarm Gandhiji; the differences, it appears, remained nevertheless and the price which Vithalbhai had to pay for his defiant independence perhaps proved too heavy. In those troublous days of 1929-30-31 everybody pointed to Vithalbhai as the man of the moment who could preside over the Congress and direct its affairs. And a wave of popular expectation had arisen in his favour on his relinquishing the Presidentship of the Assembly. But when an unreasoning submission to Gandhism was the order of the day, the claims of reason or of urgent national necessity went by the board and any one slightly out of grace with the Mahatma was deemed unfit to lead the National struggle for freedom. Thus, while his younger brother rose to be the President of the Congress, the immensely greater claims of Vithalbhai were deliberately ignored. However, to win such laurels at the

cost of the loss of intellectual integrity was not within Vithalbhai's code of honour. His true triumph lay in the fact that he retained in the people's heart that exalted position which the formal imprimatur of Gandhism had denied him.

If Vithalbhai died a broken-hearted man, he triumphed even in his death. He set aflame so many human hearts, aflame with anguish, with bitterness, with a determination to be free. Anguish deepened and bitterness increased at the several unmeaning obstacles placed in the way of his last rites by the Government of Bombay.

Not quite disheartened by its attitude some prominent members of the Assembly wrote to the Viceroy requesting permission, only to be duly answered that the Viceroy 'cannot interfere in a matter which is essentially one for the decision of the local Government.'

Thus the idea of the cremation at Chowpatty had to be abandoned. The second request to Government, namely, that Vallabhbhai should be released temporarily to enable him to participate in the obsequies, fared no better.

Worse still was to follow. Government ordained that the body would be landed, not at the Apollo Bunder, but at the Mole, that the landing would be of a private character, only a few personal friends and relatives being allowed within the gates, and lastly that the coffin would not be opened till it reached the cremation ground. This last part of the order did not pass without comment altogether. On the 20th of November, in the Legislative Assembly, Jadhavrao charged the Government with lack of imagination in ordaining that Vithalbhai's body be not exposed to public view till it reached the crematorium. "Heaven would not have fallen if government had not imposed this ban," he said. Of course this could have been said of each of the other restrictions also, with which the funeral was hedged in. Altogether there was good ground for the comment that, as a Bombay paper put it, 'to the Government the occasion was bereft of both sentiment and solemnity. To them it is nothing more than the import of dead body under the Sea Customs Act.'

Notwithstanding these jarring notes and the unpleasant restrictions had hedged it in, the actual Home-coming was accom-

lished in an atmosphere undisturbed by this troublous sea of noises and hoarse disputes. On the 9th of November, at 6 o'clock in the evening, the expectant crowds outside the Mole Gates — they were not allowed inside — watched the boat carrying its precious load glide slowly in and, in the absence of any other mode of participation, deemed it no small satisfaction to have watched the steamer if not the body itself. The boat was berthed at 6-15 P.M. and a few relatives and the members of the Funeral Committee including Sarojini Naidu, Horniman, Nariman and Kashibhai Patel, Vithalbhai's youngest brother, went aboard and stood silently round the coffin which was covered with a simple khaddar shawl. Very soon thereafter, it was lifted and carried into the Mole station where the first wreaths and flowers of India were placed on it. It may be noted here that members of the Committee which included some relatives of Vithalbhai, did not take any notice of the writer, who had flown all the way to Switzerland and brought Home the mortal remains of Vithalbhai. They approached the Captain of the ship direct and asked him to hand over the body to them. The Captain told them that he would, as promised by him, hand it over to nobody but the present writer. It was only after the writer had formally received the charge of the body from the Captain, that he handed over that charge to the Committee. The present writer was so unbalanced in his mind at that time, that he did not fully realise that the Committee had bungled and had accepted conditions for the rites of the body, which he would never have accepted if he had been made aware of them in time. None amongst those present had shown him even the formal courtesy of informing him of the actual position. It appeared as if they had pre-arranged to keep him in the dark and resolved only to get possession of the body anyhow.

There was no external show of mourning or expression of grief, no visible display whatever of what was felt within; the adoration and misery were all in the overwrought hearts of men. As the coffin was lifted, all eyes went up with it; the Captain of the ship with rare sympathy and understanding which we then hardly ever associated with any Englishman, gave his parting salute, and then, in the fading light of a November evening, to the ac-

companionment of sunset and the evening star, the remains of Vithalbhai were received in the bosom of the country for which he had lived and for which he had died.

It was hoped that on landing the remains could be received by the Nation and that one who was so entirely of the people would not be suffered to be handled by the police or ordered about by officials. So long as the body lay within the ship it was possible to respect this sentiment for what it was worth. The Captain nobly stood by his word and did his duty to hand over the coffin, first to the present writer, and then to allow the present writer to hand it over to those who came forward in the name of the people to receive it. It was not without dismay, therefore, that the people watched the inevitable happening. That little independence which is the least that the common man can claim as due to his dead body was rendered impossible by a too complete acquiescence in the behests of the police. As soon as the remains touched India they were virtually taken in custody, and only late at night were the Funeral Committee and the relatives of Vithalbhai informed that the body was removed in an ambulance van to the G.T. Hospital where it was examined under the Sea Customs Act. The Authorities carried it in the early hours of the morning to the Asiatic Building at Ballard Estate where it was taken charge of by the relatives.

No sooner was the coffin in charge of the people to whom it naturally belonged than it was hidden from view altogether under wreaths and flowers. If flowers could speak, there would have been a million tongues paying eloquent tributes to Vithalbhai's greatness, ability and service. The big and small, rich and poor, the politician and the businessman, the employer and the worker, people from all walks of life and every community vied with one another in that last, silent homage to their departed leader. They could not, however, have a glimpse of the still face when the procession started from the Ballard Estate.

The funeral procession started from the Ballard Estate at 7-20 a.m. There was hardly any ceremony except that of the placing of wreaths on the coffin by relatives and friends and on behalf of numerous associations. Prominent personalities paid their last homage to his memory. The coffin itself was an in-

distinguishable heap of flowers and khaddar. It was placed on an open van decorated with flowers with a large size portrait of Vithalbhai in front of it. Volunteers in white and khaki and 'sevikas' in flaming orange formed the van. The car carrying the coffin was cordoned off by a double row of volunteers and the processionists followed in rows of six, barefooted and bare-headed and clad in spotless khaddar. At the start not more than about a thousand persons walked in the procession. But as the procession progressed, it seemed to gather volume like a rain-fed torrent that swelling illimitably bursts over its banks and overflows. At its thickest one could have counted over three hundred thousand people, and it was about a mile in length as it neared its destination. The city had stopped work since the morning, and the tramcars and buses had ceased to move. The ever-moving wheels of Bombay were at rest. The B.B. & C.I. Suburban branch had to run special trains and every mode of conveyance that had not stopped working was pressed heavily into service by the crowds who were attempting to join in the procession. In controlling this vast concourse and bringing order among the moving cavalcade, the 50,000 odd volunteers under Jamiat Singh, specially enlisted for the occasion, did yeoman's service in co-operation with the police who were very much in evidence.

The march to *Sonapur* was not without incident. When the procession neared the junction of Pherozezshah Mehta and Hornby Roads, four of the 'sevikas' impeded its progress by their insistent demand, (expressive of the public resentment at the surrender to the police), that the face of the dead leader should be open to public view, in accordance with the Hindu custom. There was much ado over this, and Sarojini Naidu and others nearly spent themselves with persuasion and appeal before the 'sevikas' could be prevailed upon to let the procession pass. Heavy has the hand of custom been upon us and what we most cherish we love to enshroud in a mass of tradition and we will not suffer the ancient customs to be infringed even in the smallest detail. In view of the inexorable government ban, which the Committee had unreservedly accepted, however, protests were unavailing and it was fortunate that reasonableness ultimately

prevailed and there were no further incidents to disturb the funeral solemnity.

The procession halted before the Municipal Building at Bori Bunder and Bombay honoured its great Mayor. The then Mayor, Dr. M. C. Javle, who, by the way, had been a consistent opponent of Vithalbhai in the Corporation, along with several other prominent corporators joined the procession and wreaths were again placed on the coffin in the name of several associations representative of the civic life of the city. The march from Bori Bunder to Crawford Market took half an hour. Several merchants showered coins on the hearse. The progress of the procession slowed down to a crawl as the numbers increased to nearly three lakhs so that when it reached *Sonapur*, the Hindu cremation ground, it had taken four hours and a half to cover a route of only four miles.

Even to an observer not too deeply involved in the 'ethos' of this scene the event was big with meaning. None failed to notice the magnitude of the gesture, the enormity of the grief and the contrast it presented to the extreme bareness and simplicity of the obsequies. There was no impression of ordered ceremony anywhere, none would have been adequate, no empty pomp belied the simplicity of hearts in grief. What ceremony could be more imposing than the irrepressible mourning of the people that would not be pressed into any mould or measure? The press of people who turned out in white khaddar was so great that many fainted. The buildings lining the streets swarmed with human life, heads were thrust out of every window for a sight of the passing bier. The footpaths, balconies, terraces and the roofs of several buildings were thronged. There was no end to the device to shower flowers on the cortege; floral arches and baskets hung across the streets and were manoeuvred by strings and balloons. At one spot a huge bottle was suspended between the buildings on either side and it dropped Eau de Cologne on the procession, and at another, a kite was flown with two black flags and the National colours. It was a curiously mixed assemblage. Men and women, young and old, Hindus, Mahommadans, Parsis, Christians and Sikhs, all joined the funeral march. It was truly a moving spectacle. It was edify-

ing to behold such a concourse of men bent on one purpose — homage to the dead,— a scene that would plant faith in a parched heart. It seemed to make silence eloquent; it had a tongue which spoke high and loud what went on in the minds of men.

Now what was it that moved us, when, with banners furled and all pomp put away, we measured the heavy steps and slow behind the hearse? Was it the *memento mori* that occupied our minds? Was it the thought of the glory that had passed away that men were we and must grieve when even the shadow of that which once was great had passed away? It was all this, but most prominently, it was the thought of the country that was present in the minds of all. This was one of those moments in the life of a nation that gather up and give form to all the feelings that have simmered for years in the national consciousness — the humility of subjection and pride in suffering. Moved by this spectacle, Horniman who witnessed it from beginning to end expressed himself in these resonant words:

“A man much misunderstood in his life, even by those with whom he worked with never-failing loyalty in the country’s cause; misrepresented sometimes even by his own countrymen, and maligned by his enemies, his body was at last taken to the funeral pyre, amid demonstrations of popular grief, devotion and gratitude that could surely not be paralleled in any city in the world.

Thus has his work been justified, thus have his enemies been silenced; thus have the voices of slander and envy been silenced. Nothing but the echo of the sobbing of the people and the memory of a triumphal progress to *Sonapur* remains — an amazing procession that was all the more impressive and deeply significant for its sympathy, stillness and simplicity.

A stillness broken only from time to time by the sounds of grief finding their irrepressible expression, or the cries of victory in death bursting spontaneously from the throats of men and women who could not be deterred from giving voice to the feeling welling up from their hearts,— these were the obsequies of a hero, whose achievements, though

he was dead, still lived to inspire them to greater efforts towards the final goal of which he never lost sight.

A wonderful scene, that mile-long procession of silent white-clad walkers, through street after street densely packed to suffocation between buildings thronged with onlookers in every attitude of devotion.

I do not write in the language of exaggeration. I have seen in my life many great demonstrations of popular grief. The day the remains of Victoria, the Good, were carried through the streets of London, the imposing demonstrations of silent sorrow when MacSwiney's emaciated corpse was borne to Euston Station, have lived in my mind hitherto, as the greatest. But Vithalbhai's procession was greater.

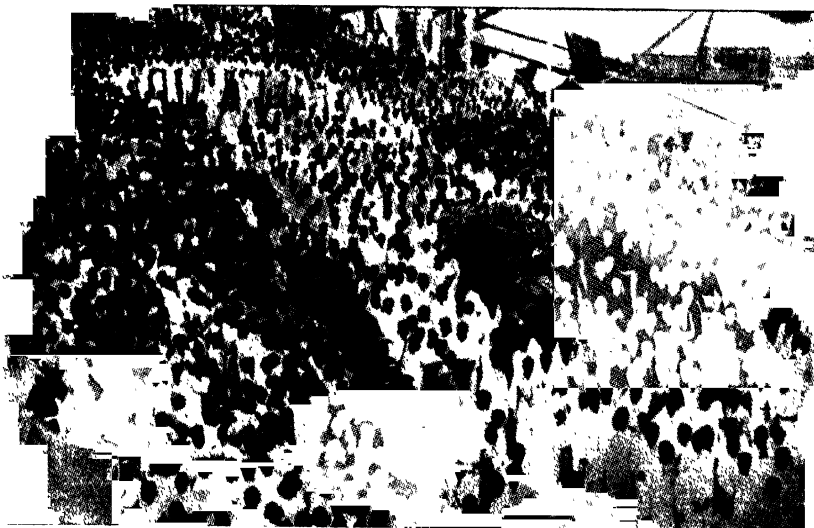
Here was no glittering pageant of Emperors and Princes on prancing steeds, of brilliant uniforms, of guns, of gaudily arrayed soldiers, horse and foot, and brass bands. Nothing but a simple lorry on which was a wooden box containing the mortal remains, covered with the floral tributes of the people, showered continuously with rose-petals and rice — all that a sorrowing people could give as an expression of their grief — moving silently through the streets, while here and there people openly wept."

At the cremation ground the box containing the coffin was opened and a plain inscription was disclosed:

V. J. Patel,
Former President,
Indian Legislative Assembly,
1873-1933.

Vithalbhai in death wore as impenetrable a look as Vithalbhai living. Inside the coffin, on his chest was found a copy of the Bhagwad Gita. It was the same copy to which in his last days at Geneva he had turned for enlightenment and support — a phase of his life which completed a personality so baffling and inscrutable in its integrity and multifariousness.

The body was kept at the cremation ground on a raised platform and batches of people were admitted into the crematorium for 'Darshan'. At 7 p.m. the 'Darshan' stopped and the



A section of the huge funeral procession which followed the mortal remains of Vithalbai to Sonapur



The place in Sonapur where the mortal remains of Vithalbai are laid to rest

body was placed on the pyre. Sarojini Naidu and Jamnadas Mehta said a few parting words before the fire was lit.

"Let not the fire kindled in our hearts by Vithalbhai be put out" was Sarojini Devi's exhortation, and presently the flames of the pyre reflected in a thousand eager eyes, lit a thousand little fires by sympathy and soon the great purifier turned to ashes what was perishable of Vithalbhai and left us to ponder long over what was unperishable, his great memory and the memory of all the good works he had done in this life, which is all that endures. We were left to think on chance and change and the utter nothingness and mockery of our boasted doings and on the sudden dwarfing of ourselves. We thought on the things that are worthwhile, the true nobility that is yet possible on the little patch of ground which each of us is sent to illuminate for a while in all this great to do of the world. And finally we were left to ponder on that crassness of things that may snuff us out any moment leaving the task undone and on the meaning of that strange justice that seems to offer by seeming to deny.

Chapter Forty-Eight

THE LAST WILL AND TESTAMENT

AND so, Vithalbhai lived and died giving his life for the country and his people and reaffirming by precept and by example his unshakable belief in the ultimate destiny of India. His life was a summation of the nation's highest aspirations, a fountain of ever-lasting exhilaration in the adventure for freedom. The death of this great son of India was an irreparable loss in her hour of unparalleled depression and unusual trial, and created an immense void in the ranks of the elder patriots. The feelings of the people at the loss which the country had sustained by the removal from its midst of the great Indian patriot, who had laboured incessantly in the national cause and shed lustre on India's name by his brilliant achievements in the long drawn-out battle for India's freedom were so poignant that they found spontaneous expression in the form of *hartals* and suspension of business and mass meetings all over the country. The Nation was stirred to its very depths, and spoke with one voice of the enormous loss which it had sustained.

The citizens of Bombay who had watched the career and achievements of Vithalbhai for over twenty years, naturally felt the loss much more directly than those of any other place in India. Sir Hugh Cocke, *Kt.*, then the Sheriff of Bombay, convened a public meeting on the 11th of December, 1933, under the Presidentship of Bhulabhai Desai at which, *inter alia*, the following resolutions were passed:

- I. "This public meeting of the Citizens of Bombay mourns the irreparable loss the country has suffered by the death of Syt. Vithalbhai Patel, who, as the first Indian President of the Legislative Assembly, won the respect and admiration of all by his mastery of constitutional law and practice, and who, as a great Indian

leader, lived a life dedicated to the national cause, and by his indomitable courage, steadfastness, and spirit of sacrifice has left a precious memory to his country.

That a copy of this resolution be conveyed to the relatives of the deceased leader with an expression of this meeting's sympathy in their bereavement."

- II. "This meeting resolves to perpetuate the memory of Syt. V. J. Patel by a suitable memorial and hereby appoints a Committee consisting of all the requisitionists of this meeting to collect funds and to take the necessary steps to implement this resolution.

There was a record attendance at the public meeting at which Sarojini Naidu, Jamnadas Mehta, Bhulabhai Desai, Shaukat Ali, Dr. Deshmukh, Horniman, Chagla and several other eminent national leaders paid glowing and eloquent tributes to the departed soul.

If the whole of Vithalbhair's life had been a series of misunderstood or half-understood motives and intentions, the last document he has left for India has proved equally contentious. In fact, no document signed by a dying man on his death-bed, has probably, so far exercised the imagination and feelings of a whole people and aroused their curiosity as much as the Will of Vithalbhair. In a way it is almost romantic to contemplate at this distance of time the tremendous sensation it created all over the country, at that time. One is instinctively reminded of the frantic frenzy of the Roman mob to hear all about Caesar's Will from Mark Antony's lips. The dramatic content of both these wills, as also their general substance, both of the testators bequeathing large legacies to the nations to which they belonged, have something of a curious and significant similarity.

When I (the present writer would ask the readers to allow him to write this, the last chapter of this book, in the first person) reached Geneva, on the 23rd of October, the shocking news of Vithalbhair's death stunned me. My grief knew no bounds and its poignancy left me in a devastated state of mind. On recovering from the shock, I busied myself, in the company of Subhash Bose, with the arrangements for the embalming of Vithalbhair's

body and for its conveyance to India. My meetings with Subhash were very frequent and naturally our talks were all about our revered leader and his affairs. On one occasion, Subhash casually informed me that, just before his death, on the 22nd of October, 1933, Vithalbhai had made his Will at the *Clinique-la-Lineguere, Gland*, where he was undergoing medical treatment and that Dr. P. T. Patel and myself were appointed executors of the Will, but he did not care to show me, nor did he give me the original Will, when I left for Bombay three days after. He did, however, mention to me certain features of the Will which, unfortunately, were at variance with his subsequent claims. It is, of course, now no use to refer to these talks, because they cannot be corroborated or confirmed either by documentary evidence of any type or by the production of any witness, in my behalf.

After having made all the necessary arrangements and having settled all accounts on behalf of Vithalbhai, I returned to Bombay with his mortal remains by the s.s. *Narkunda* on the 9th of November, 1933. I received a copy of the Will by post, sometime after my return. In the absence of the original, it was difficult for me to function as an Executor. Repeated reminders both by air mail and by cables, requesting Subhash to send me the original in order to enable me to apply for Probate from the High Court proved of no avail for a fairly long time. My requests to him to send me the details of the moneys which he had obtained from the American Express Co., Geneva, by presenting a blank cheque, signed by Vithalbhai, a day or two prior to his death, and filled in by himself (this was what Subhash himself had told me) also proved futile. The only thing that I ultimately and after repeated reminders received from him was the original Will of Vithalbhai.

In the meantime, I was asked by Sardar Vallabhbhai, who was, at that time, in the Nasik Jail, to see him with a copy of the Will I had received. One of the strong points of Vallabhbhai, as an able and successful lawyer, was his ability for conducting a searching cross-examination of witnesses who had to face him in the Court. I was not spared; he put a series of questions arising out of the Will to me, in his usually cool, calm and unperturbed

manner. He enquired why it was that Vithalbhair's signature was not attested by a medical man, although he was lying seriously ill in the clinic and was treated by doctors when the Will was made. When he saw the typed copy of the Will, he asked me if the original paper in the handwriting of Vithalbhair was preserved, as, considering the nature of his illness it could not have been dictated by him at a stretch. He further wanted me to ascertain why all the three men who attested Vithalbhair's signature were men who hailed from Bengal and why two of them were merely students, in spite of the fact that eminent persons like Bhulabhair Desai, Walchand Hirachand, Ambalal Sarabhair and others who were particularly friendly with Vithalbhair, were present at the time in Switzerland round about Geneva.

It was obviously not possible for me to give satisfactory replies to any of the queries raised by him as, during my short stay in Switzerland, I had neither the time nor the mental fitness to think of these and similar questions, which might have, in normal circumstances, struck me. Subsequently, I wrote several letters to Subhash, requesting him to throw light on these points, but I was disappointed by his continued and perhaps calculated silence. The only letter that I received from him was to the effect that he was too ill to attend to any serious work and that he was undergoing medical treatment in Vienna.

I presented the original Will to the High Court, asking for Probate, on the 21st of September, 1934. In view, however, of the disturbing features of the Will that were pointed out to me by the Sardar during my interview with him at the Nasik Jail, I decided to proceed cautiously in the matter before executing the wishes of Vithalbhair as apparent in the Will. My task became still more difficult on account of the death of Dr. P. T. Patel, who was the second executor of the Will. I was keeping very bad health, and the mental strain I had to undergo in attending to Vithalbhair's affairs after his death, proved too great for me in my already bad health. The nervous breakdown which resulted therefrom increased my intestinal trouble. Therefore I left for Vienna myself for medical treatment. About this time, Subhash was also in Vienna undergoing medical treatment. I acquainted him with all the facts relating to the Probate and

told him that it would be in the best interests of the public and the country, if the doubtful features of the Will were cleared up by him. Subhash contended that he had not preserved the original handwritten copy of the Will, nor did he possess the carbon paper used for the typing of the will. My contention was that the moneys were bequeathed by Vithalbhai to the people of India and that he had not and could not possibly have meant a free gift of them to Subhash for his personal use. My reading of the Will was that Subhash was a trustee for the carrying out of objects Vithalbhai had in mind for the country. If he was prepared to satisfy me in this respect and suggest a way out to take the public of India into confidence, I assured him that my conduct would not be regulated by any other considerations whatever, nor by the doubts that were disturbing the minds of the legal heirs of Vithalbhai. We were together in the *Hotel de France* for about two months and the impression left on my mind was that he was quite agreeable to satisfy this condition, till at last he left Vienna by plane to see his ailing father at Calcutta. By the end of December 1934, I was, of course, hoping for a very amicable settlement of this vexed question, to the satisfaction of all concerned. It appears that, after his return to Calcutta, Subhash changed his mind. He instructed his attorneys to call upon the executors of the Will, i.e., myself, to pay the amount due to him, which they did by their letter of the 11th of January 1935. My attorneys, in their letter, dated the 15th of January, 1935, stated that the beneficiaries under the Will were and are the people of India and that the balance of the assets of Vithalbhai was to be utilised for the political uplift of India, preferably, for publicity work on behalf of India and the Indian people according to the instructions of Mr. Bose or his nominees. The attorneys of Subhash, on the other hand, contended that Mr. Bose was given under the Will absolute and unfettered discretion to carry out the trustee's wishes and that they did not agree with the interpretation of the Will as understood by the executors. As there was a difference of opinion in regard to the interpretation of the Will, on my return from Europe, I decided to seek the opinion of eminent Counsel on the subject. Bhulabhai Desai, Coltman, M. C. Setalvad, the then

Advocate-General of Bombay, and Sir Jamshed Kanga were approached for their opinions. They unanimously opined that Clause 5 of the Will was in the first place vague and, therefore, invalid. They also maintained that, under the Will, Subhash Chandra Bose was merely a trustee. In view of the complicated nature of the legal position involved, they advised the executors to take the opinion of the Court by an originating summons.

Due to the embarrassing situation created by the conflicting views of the parties concerned, I could not take any action in the matter for a fairly long time. The legal opinion was emphatic in regard to the invalidity of Clause 5 of the Will, under which Subhash claimed the balance of the assets after the disposal of the first four gifts. A furious press controversy raged over this matter, and all sorts of charges and accusations were levelled against me and the legal heirs, and the Sardar, in particular. The interested parties, under the Will, were two top-ranking National leaders of India, and, that made my position all the more delicate. One false step, and I would stand discredited before the public eye. I decided, therefore, to maintain complete silence over the matter till the passions that were aroused by the controversy died down. My sole aim was to see that the original intentions of the will were actually carried out. I was, therefore, not prepared to take any hasty action in the matter, and so bore with a patience, the calumny and hostility to which I was exposed by interested parties in this connection. This controversy, the implications of which were hardly realised or understood by the common man, had far-reaching effects on me personally. I was described as an anti-Bengali in Bengal. Subhash was, of course, the idol of the Bengalees, and they expected me to act in strict accordance with his wishes.

This is neither the place nor the occasion for a detailed statement about the losses I have sustained as a consequence of the attitude of the average Bengalee towards me in those days on account of this affair. Suffice it to say, that within a few years since the beginning of this dispute, I thought it prudent to close my Firm in Calcutta. On the other hand, Sardar Vallabhbhai and the other legal heirs of Vithalbhai looked upon me as one with a bias in favour of Subhash. I was, of course, not prepared to court

the favours of the big guns, or to be coerced into any hasty action by their friends. The deadlock continued till one day, by chance, I met, the Sardar on the Worli Sea Face. He was moved by the sight of my physical condition, which was very bad, and showed his great concern for it. During the course of my conversation with him, at that time, the Sardar assured me that whatever might be his own views in respect of the Will, he would be prepared to accept me as the final interpreter of his brother's wishes and that it would be his duty to help me in carrying out the wishes of his deceased brother, as I honestly took them to be. This conversation relieved me of my great mental anxiety which was unbearable in my poor health. I was really happy to find that at long last a brother's heart had come to my rescue. I went to Vallabhbhai at the residence of Bhulabhai Desai, just to make sure that I was making no mistake, and that I had caught the correct meaning of what I thought he spoke to me at the Worli Sea Face. Vallabhbhai once again assured me that he was quite prepared to accept my interpretation of the Will, irrespective of his own views in the matter and also that, in the event of the Will being declared void by the ruling of the Court, he would undertake to carry out the wishes of his brother, as stated in the Will by creating a trust. May I say here that it is to the eternal credit of the Sardar that he was magnanimous enough to accept my interpretation, even when he was not quite sure of its correctness, and assured me that he would obtain for me the written consent of all the legal heirs before I proceeded with the matter in the Court of law as advised by my Counsel? As one of the legal heirs was then in Africa, some more time had to pass by, before I could obtain the consent of all the legal heirs. In the meantime, on behalf of himself and all the other legal heirs, the Sardar persuaded Gandhiji to intervene, and, through him, informed Subhash, who was then elected President of the Indian National Congress, that he was prepared to hand over the whole amount to the Working Committee of the Indian National Congress or any other Committee of Congress leaders for the carrying out of the purposes contained in Clause 5 of the Will. Maulana Azad took up the matter and tried to persuade Subhash to accept the proposal which was fair and

in complete accord with the wishes of the deceased. But Subhash would not yield. He would not agree to the personnel of the Committee suggested by Gandhiji and Azad. It was only after the failure of these negotiations, that Vallabhbhai lost all hopes of an amicable and satisfactory solution of the matter which had been giving so much anxiety to all concerned.

There has been a good deal of misunderstanding in the public mind in regard to the part played by Sardar Vallabhbhai in the matter. Many persons including myself, at one time or another, felt that, actuated by political motives, the Sardar was trying to wreck the object of the Will. Time, however, has shown that he was too magnanimous to entertain any such idea. His real anxiety was to see that the moneys bequeathed by his brother to the Nation would be spent for the purposes for which they were bequeathed and in pursuance of those objects only which his brother had set before himself.

I had now no other course left but to obtain the ruling of the High Court for my guidance and conduct. On January 20, 1939, as the sole surviving Executor I took out an originating summons for the construction of Clause 5 of the Will. The summons was heard by Justice B. J. Wadia, Bhulabhai Desai, Sir Jamshedji Kanga, Coltman, N. P. Engineer, Motilal Setalwad and Sir Chimanlal Setalwad represented the interests of the Executors and the legal heirs of Vithalbhai, who were eight in number. Subhash had requisitioned the services of P. R. Das, the legal luminary of the Bihar Bar, and the brother of Deshabandhu Das and Mr. Maneksha of Bombay. The case was argued out by both the sides at great length. Both parties cited numerous parallel cases that had appeared in British Courts, in support of their arguments. The hearing of the case created great excitement in the public mind and the Court was crowded to its maximum capacity throughout.

The learned Judge held, on March 14, 1930, that Clause 5 did not give any absolute estate to Bose, that the further direction in the clause did not constitute a valid charitable bequest but was void for uncertainty, and that the property mentioned in the clause went to the heirs of the testator as on an intestacy. The judgment was as follows:

TEXT OF THE JUDGMENT

By his Will the testator directed payment of certain pecuniary and other bequests and then disposed of the residue of his estate under clause 5 in the following term:—

“The balance of my assets after disposal of the above-mentioned four gifts is to be handed over to Mr. Subhash Chandra Bose (son of Janki Nath Bose) of 1, Woodburn Park, Calcutta to be spent by the said Mr. Subash Chandra Bose or his nominee or nominees according to his instructions for the political uplift of India and preferably for publicity work on behalf of India’s cause in other countries.”

The first question in the Originating Summons is whether the bequest in clause 5 is an absolute bequest of the residue to Mr. Bose. His Counsel argued that it was and he further contended that the directions given by the testator to Mr. Bose to spend the money for the political uplift of India and preferably for publicity work could be discarded by Mr. Bose, if he so chose. Counsel relied on Section 138 of the Indian Succession Act, which runs as follows:

“Where a fund is bequeathed absolutely to or for the benefit of any person, but the Will contains a direction that it shall be applied or enjoyed in a particular manner, the legatee shall be entitled to receive the fund as if the Will had contained no such direction.”

The section begins by assuming that the bequest is absolute, and then goes on to enunciate the well-known rule that an absolute bequest or gift cannot be fettered by a subsequent condition imposed upon the legatee or donee directing how he should use the money for his own purposes. In such a case the gift is considered good and the condition is void for repugnancy. The principle is that where there is a bequest of money to or in trust for a legatee absolutely but with the direction for enjoyment or application of the money in a particular mode for his benefit, as where it is given to purchase an annuity for the legatee, or to

place him in any business, or towards or purchasing a country residue for him, the legatee will be entitled to receive the capital money immediately, regardless of the particular mode or modes directed for the enjoyment of application of the money. The word 'absolutely' used in the section generally creates an absolute interest in the property bequeathed and confers unlimited powers of disposition over it. It is true that no express words are necessary to create an absolute interest; there must however be words which profess to give the legatee complete control over the property. Counsel relied on the words to be handed over "to Mr. Subhash Chandra Bose" in Clause 5 as constituting an absolute gift; but the clause must be read as a whole. The residue of the estate was to be handed over to Mr. Bose to be spent for the purposes mentioned, *i.e.*, to be spent or applied, not for himself, but for a purpose other than for his own personal benefit. You cannot have an absolute gift, and at the same time have limitation imposed upon its use for the benefit of a third party. Some reliance was placed on an observation in the Judgment of Lord Parker in *Bowman & Ors vs. Secular Society Ltd.* (1917) A.C. 406 at page 440, that if a gift was made to a person of money to be applied by him at his discretion for a lawful purpose, it was an absolute gift to him. That proposition, however, does not apply in this case, for, there is no discretion given to Mr. Bose in the sense that he may spend the money or not spend it, as he likes, for the purposes mentioned. The only discretion left to him is in selecting his nominee or nominees and in issuing instructions to them for the use of the money. It is not, therefore, correct to say that he can spend the money only if he so pleases, that the discretion creates a certain indefiniteness in the bequest, and that that indefiniteness has a reflex action on the character of the bequest and shows that it was meant to be absolute. There is no indefiniteness or uncertainty that the money was to be spent for the purpose indicated, even though it was to be done through the nominees of and on instructions issued by Mr. Bose when necessary. It was further argued that there were no such words as 'trust' or 'trustees' used in reference to Mr. Bose. No technical language is necessary to create a trust any more than it is necessary to create an absolute bequest. Nor would a court

interpose a trust when none was intended. All that is necessary, as laid down in Section 6 of the Indian Trusts Act, which of course relates only to private trusts, is that the author of the trust should *inter alia* indicate, with reasonable certainty "by any words or acts" an intention to create a trust for a lawful purpose. Reading the clause as a whole, I am of opinion that the words used do not constitute an absolute bequest, but show that the testator intended to impose upon the donee the character of a trustee in relation to the moneys given to him for being spent in a particular manner.

The important question is whether the intended trust is a valid charitable trust according to law. The words "Charitable Trust" or "trust for a charitable purpose" have acquired a legal and technical meaning, and in order that a charitable trust may be valid, it must be in the class of gifts for the benefit of the public which the courts recognise as charitable according to that meaning. There is no certain and comprehensive test by which a charitable purpose can always be distinguished from a non-charitable purpose, and Lord Sterndale, M. R. stated in *Tetley In re. National Provincial and Union Bank of England, Ltd. v. Tetley* (1923) 1 Ch. 258 at page 266 that he was unable to find any principle which would guide one easily and safely, though the tangle of the cases as to what was and what was not a charitable gift. But in the same case which went up to the House of Lords under the name of *Attorney-General v. National Provincial and Union Bank of England & Ors.* (1924) A.C. 262, the Lord Chancellor observed as follows at page 265:

"So here it is not enough to say that the trust in question is for public purposes beneficial to the community or for the public welfare; you must also show it to be a charitable trust."

The word 'Charitable' is much narrower and more definite than the word 'public.' Lord Robertson pointed out in *Blair v. Duncan & Anr.* (1902) A. C. 37, at page 48, that he did not agree that the expression 'charitable purposes' was as wide or nearly as wide as 'Public purposes.' Even giving to the word

'charitable' the widest extension ever allowed to it, there are, he said many public purposes completely outside it. In *Hons-ton v. Burns* 1918 A.C. 337, Lord Shaw of Dunfermline stated at page 348 that in the eye of the law charity had this saving grace that it was held to be by itself denominative of a distinct class, but that the law had taken a firmer and more rigorous line in regard to public or religious purposes. The history of charitable trusts in England goes back to the well-known statute of Elizabeth (43 Eliz. c. 4). The expressions 'charity' and 'charitable uses' were known in England before the date of the statute; but their meaning was not properly defined. To decide whether a purpose is or is not charitable in law, the courts in England have invariably referred to the preamble to the statute, which contains a varied list of charitable objects. The statute was long obsolete and was finally repealed by the Mortmain and Charitable Uses Act of 1888, except as regards the preamble, which has been expressly preserved by Section 13 (2) of that Act. The objects there enumerated, and others 'which by analogy are within its spirit and intendment' are charitable in the legal sense. They are, however, instances and not the only objects of charity. In India there is no definition of a 'Charitable Trust' or a 'Charitable purpose'. Section 118 of the Indian Succession Act speaks of a bequest to religious or charitable uses, and instances of charitable objects are given by way of illustration to the Section. Section 18 of the Transfer of Property Act speaks of transfers of property for the "benefit of the public in the advancement of religion, knowledge, comemrce, health, safety or any other object beneficial to mankind." The language of this Section is very wide, and the words used give an indication of the sense in which the term 'charity' is understood by the Indian Legislature, a sense substantially in accord with the sense in which that term is understood in English law. The best guide on the subject is that given by Lord MacNaghten in *The Commissioners for Special purposes of the Income-Tax v. John Frederick Pemsel* (1891) A.C. 537 at 583 where His Lordship stated as follows:

'Charity' in its legal sense comprises four principal Divisions: trusts for the relief of poverty; trusts for the advancement of education; trusts for the advancement of

religion; and trusts for other purposes beneficial to the community, not falling under any of the preceding heads."

This classification has been generally followed in later cases. A good deal of discussion has been provoked by the fourth, which is the general, head of charitable trusts; but it was pointed out by the Court of Appeal in *Re. MacDuff*, (1896) 2 ch. 451, especially by Lindley and Rigby, L.J.J. that Lord MacNaghten never meant that all trusts for purposes beneficial to the community were charitable, but there were certain trusts only which would fall within that category. Every charitable trust is a trust for a public purpose, but every trust for a public purpose is not necessarily charitable. The charity must not only be of a public nature, *i.e.*, its object must be to benefit the community or a substantial section of it large enough to give the trust a public character; it must also be capable of being administered and controlled by the Court when necessary. The opinion or belief of the testator or the author of the trust that the bequest is for the public benefit does not make it so. The matter must be determined by the Court which may or may not agree with that opinion or belief. In the old well-known case of *Morice v. The Bishop of Durham*, 10 Vesey 522, Lord Eldon observed at page 539 as follows:

"As it is a maxim, that the execution of a trust shall be under the control of the Court, it must be of such a nature, that it can be under that control so that the administration of it can be reviewed by the Court; or, if the trustee dies, the Court itself can execute the trust; a trust therefore, which, in case of mal-administration could be reformed; and a due administration directed; and then, unless the subject and the objects can be ascertained, upon principles, familiar in other cases, it must be decided, that the Court can neither reform mal-administration, nor direct a due administration".

This passage was cited with approval by Sir Richard Couch in the well-known Judgment in *Ranchordas Vandravandas and Ors. v. Parvatibai & Ors.* (1899) I.L.R. 23 Bom. page 725 P.C.

at page 735, in which it was held that a bequest of property to trustees for 'dharam' was void, the reason of the decision being that 'the objects which can be considered to be meant by that word are too vague and uncertain for the administration of them to be under my control.'

The bequest in question to Mr. Bose is of money to be spent "for the political uplift of India and preferably for publicity work on behalf of India's cause in other countries". The amount now consists of Government 5 per cent. Securities of the face value of Rs. 67,000, Rs. 42,143 in fixed deposit, and Rs. 8,653 in current account with the Bank of India Ltd. The real purpose of the bequest is "the political uplift of India" the second part seems to be only an indication of the testator's preference for publicity work, sometimes called foreign propaganda as one mode for attaining that political uplift. "Political uplift" is a term which is not easy accurately to define. Its meaning would differ in different countries. What is meant by the political uplift of England would be different from what would be meant by the political uplift of modern Germany. To uplift, literally is to raise or to elevate to a higher level. An uplift is therefore the raising to a higher level. 'The political uplift of India' would mean the raising of India, or rather, of the people of India, to a higher political level. It means the political advancement of the people of India in the matter of the governance of the country and its affairs, shortly known as Self-Government. It was argued that 'political uplift' was a general expression which should also include economical uplift, social uplift and every other kind of uplift of the people of the country. I do not think the term is as wide as that. Economic and social uplift would be certainly conducive to political uplift; but they are not necessarily included in it. It was further argued that the political uplift of India was for the benefit of the people at large, and being a highly desirable object, a trust for the political uplift of India is a charity within the legal meaning of that word. It is however difficult to conceive of the political uplift of India or the matter of that, of any other country, merely as an abstract conception, irrespective and independently of the means or modes employed to attain it. As a broad proposition every one will agree that the

political uplift of India must be along the right lines and achieved by the right modes or methods. But what are or what are not the right lines and methods is a matter on which there must be, and in fact there is, a wide divergence of opinion. It is foreign to the present enquiry to determine by what methods and on what lines the political uplift can best be attained. What may appear to some to be conducive to that uplift may not appear so to others. The testator himself has given no indication as to what he meant by those words; he has only indicated his preference for one method in order to bring it about. Under the terms of the bequest it would be open to Mr. Bose to devote all the moneys for such purposes as he may consider liberal and useful to obtain the political uplift of India; and yet those purposes may not be within the meaning of charitable purposes as the Court construes those words. The question is not whether Mr. Bose could not, if he thought fit, apply the whole property to charitable uses, but whether he could not, consistently with the trust, apply the whole of it to non-charitable uses. If it was competent to him to do so, the trust is not a charitable trust. It cannot be said that the 'political uplift' has a certain and definite meaning, so as to construe it as a charitable purpose; in fact a want of precision is inherent in the word 'political uplift'. Such a purpose is not expressed in the statute of Elizabeth, though that of course is not conclusive, for a purpose may come within the equity of the statute 'by analogy or intendment'. Counsel argued that even if the object mentioned, viz., the political uplift of India was vague and uncertain in its meaning as a charitable purpose, a charity is never void for uncertainty in the object. This, however, is begging the question, for the argument assumes that the object, viz., 'the political uplift of India' is a charity in the legal sense of the word, viz., that it is for a public purpose and that it is capable of being administered and controlled by the Court. It is no criterion of the invalidity of a charitable trust that it is not capable of administration, but it is a criterion when the very question in issue is whether the bequest is charitable or not. According to Lindely L.J. in *In Re. MacDuff* (1896) 2 Ch. 451 at 463, 'When we are dealing with general words, we must consider whether there is such an indication of purpose or of trust that

the Court if called upon to execute it can see what it has to do can see the limits of its own powers.' It is necessary that a trust should be capable of being administered and controlled by the Court. This is the principle which is behind the important decisions which exclude such gifts as leave a latitude to the trustee to devote the fund to purposes which are not strictly charitable under the law.

It was pointed out by Lord Parker in *Bowman & Ors. v. Secular Society, Ltd.* (1917) A.C. 406 at page 442 that a trust for the attainment of political objects is invalid, not because it is illegal, but because the Court has no means of judging whether any proposed political change will or will not be for the public welfare or benefit. In *Re. Jones-Public Trustee v. Earl of Clarendon*, 45 T.L.R. 259 it was held that a gift to the Primrose League was not a charity because it had a political character. It was held in *Bonar Law Memorial Trust v. Inland Revenue Commissioners*, 49 T.L.R. 220 that the Bonar Law Memorial Trust was not a trust for charitable purposes only. Mr. Justice Finlay held that it would not be right to say that a trust for the promotion of Conservative principles or the principles of any other political party would be a good charitable trust. In the earlier case of *In Re. Scowroft Omrod v. Wilkinson* (1898) 2 Ch. 638, Stirling J. left it open whether a trust for the maintenance of Conservative principles was a good charitable trust, and the gift was upheld only because the village club was to be maintained for the furtherance of Conservative principles combined with religious and mental improvement. In *Commissioners of Inland Revenue v. Temperance Council etc., of England and Wales*, 136 Law Times at p. 27, it was held that an association formed to secure legislative and other temperance reforms was not established for charitable purposes only, though advancement of temperance is otherwise a charity, being a purpose or an object contributing to the moral improvement of mankind. In order to comply with the principle of Lord Parkers dictum and the decision of Rowlatt, J. in 136, Law Times 27, it is necessary, in order to establish the validity of a charity, to show that the end is not to be attained mainly by political means. In *Attorney-General v. National Provincial and Union Bank of England and*

Ors. (1924) A.C.P. 262, the testator directed his trustees to apply one-fifth of his residuary estate 'for such patriotic purposes or objects and such charitable institution or institutions or charitable object or objects in the British Empire' as they in their absolute discretion should select. The words being disjunctive, the trust was held to be void; but it was also held that the expression 'patriotic purposes' was vague and uncertain, though it was argued that 'patriotic purposes' must be charitable, because they must be for the benefit of the country or the empire as a whole, and therefore came within the fourth head of Lord MacNaghten's famous classification. It was held by the Lord Chancellor that there was no fixed rule by which a Court might determine whether a particular purpose was or was not patriotic, and that it would not be difficult to conceive of purposes which to many persons would appear patriotic, but which were still not charitable within the legal meaning of that term. He also pointed out that the expression was vague and uncertain, and whether a purpose was patriotic or not was a matter of opinion, though ordinarily the expression "patriotic purposes in the British Empire" would mean purposes directed to the public welfare of the British Empire.

It was argued on behalf of Mr. Bose that the expression 'political uplift' was quite different from 'political purposes'; that trusts for political purposes were not upheld because political purposes might be bound up with party politics, but a bequest for the political uplift of India was a bequest for the benefit of the country and its people as a whole, that is, for a public welfare, and the purpose was a charitable purpose within the meaning of the law. Counsel mainly relied on the judgment of the Court of Appeal in *In Re. Smith*. 1932 I Ch. 153 but before I deal with that case, it is necessary to deal shortly with the decisions up to it. It has been held that if property is left for the benefit of a parish, town, or borough, a country, or a country directly and in general terms it is a bequest for a charitable object, because it is for general public purposes and that relieves the case from any uncertainty with regard to the objects of the bequest and renders it unnecessary to determine whether the purposes are charitable or not charitable in the strict sense of the word. Thus, it was

held in a very old case, *West v. Knight*, 1 Cases in Chancery 134 that a bequest to the parish of Great Britain was a good charity and the moneys were applicable for the benefit of the poor people of the parish. Similarly, in *Attorney-General v. Webster*, Law Reports 20 Equity, page 483, Sir George Jessel, M.R. held that a gift for a parish was a gift for charitable purposes consistently with the definition which the word 'charity' receives in Court. In *Mitford v. Reynolds*, 1 Ph. 185, a gift for the benefit of the inhabitants of Dacca was also supported as a good charity. This view was directly upheld in *Nightingale v. Goulburn*, 5 Hare, 484, confirmed in 2 Ph. 594, in which the testator left his property "to the Queen's Chancellor of the Exchequer for the time being, and to be by him appropriated to the benefit and advantage of my beloved country, Great Britain." It was held that the bequest was a charity so far as it relates to personality. In *re Mann*, 1903 1 Ch. 232, Farewell J., held that a gift to be applied for the benefit of a named Institution was a good charitable bequest for the general benefit of the inhabitants of the village in which it was situated. These and many other cases were considered by the Court of Appeal in *In re. Smith* 1932 1 Ch. 153. In that case the testator left the whole of his estate "unto my country England to and for own use and benefit absolutely." The will was made upon a printed form, and that accounts for the language of the bequest not being grammatically correct. But there were no doubt as to what the testator meant by the words he used. It was argued in the Court below that the object was not a charity and the bequest was void, and Bannett J. held that the property devolved as on an intestacy; but the Court of Appeal held that the gift an out-and-out gift without any condition, for the benefit of the people of England, and could only be applied to such purposes as were charitable according to the law, and was therefore good. The property however was ordered to be transferred to such persons as His Majesty should direct under his sign manual. The result therefore of these decisions seems to be that if a property is given for patriotic or political or public purposes only, that is bad as a charity, being too wide; but if the gift or the bequest is for the benefit of a parish, or a town, or a country directly, i.e., for

purposes of a general and wholly unrestricted nature, the benefit of gift will be applied for charitable purposes, and is good.

The important question, therefore, is whether a bequest 'for the political uplift of India' is a bequest for purposes of a general and wholly unrestricted nature, so that the Court can say that the trustee can apply the moneys only for charitable purposes within the law and to none other. Can it be said that the expression 'the political uplift of India' excludes every object or purpose not charitable in the legal sense of the word? However liberal and benevolent may be the modes and means used for the attainment of that object, if the expression does not exclude altogether methods of attaining that object which are not charitable within the legal definition, the bequest cannot be upheld. Returning again to the case of *Morice v. The Bishop of Durham* 10 V.G. 522, Lord Eldon stated as follows at page 541:

"The question then is entirely, whether this is according to the intention a gift to purposes of charity in general, as understood in this Court; such, that this Court would have held the Bishop bound, and would have compelled him, to apply the surplus to such charitable purposes as can be answered only in obedience to decrees where the gift is to charity, in general; or is it, or may it be according to the intention, to such purposes, going beyond those, partially, or altogether, which the Court understands by 'charitable purposes'; and, if that is the intention, is the gift too indefinite to create an effectual trust, to be here executed? The argument has not denied, nor is it necessary, in order to support this decree, that the person, created the trustee, might give the property to such charitable uses, as this Court holds charitable uses within the ordinary meaning. It is not contended, and it is not necessary, to support this decree, to contend, that the trustee might not consistently with the intention, have devoted every shilling to uses, in that sense charitable, and of course a part of the property. But the true question is, whether, if upon the one hand he might have devoted the whole to purposes, in this

sense charitable, he might not equally according to the intention have devoted the whole to purposes benevolent and liberal, and yet not within the meaning of charitable purposes, as this Court construes those words; and, if according to the intention it was competent to him to do so, I do not apprehend, that under any authority upon such words the Court could have charged him with maladministration, if he had applied the whole to purposes, which according to the meaning of the testator are benevolent and liberal: though not acts of that species of benevolence and liberality, which this Court in the construction of a Will calls charitable acts."

That principle still hold good, though in that particular case the bequest was in trust for such objects of benevolence and liberality as the trustee in his own discretion shall most approve. Counsel for Mr. Bose particularly relied upon the sentence in the Judgment of Lord Hanworth M.R. in 1932 I Ch. at page 169, "there is no area or purpose of distribution suggested which is not charitable," and he argued that in this case also there was no area or purpose of distribution suggested which was not charitable. It is true that there is no disjunctive object mentioned in the benefit. At the same time the point for consideration is whether the expression, "the political uplift of India" is a public purpose of a general and wholly unrestricted nature, or whether the description includes purposes which may or may not be charitable within the strict meaning of the law. The introduction of the word 'political' takes the matter into the realm of controversy, and I doubt very much whether the judgment of the Appeal Court in 1932 I Ch. 153, would have been the same if the bequest was not as it was meant to be, for the benefit of England generally and without restriction but was for, say, the political benefit of England. The word 'dharam' has been defined to be law, virtue, legal or moral duty, and yet a bequest for 'dharam' is void for uncertainty. The promotion of political welfare however desirable is not charity according to law; for some modes of promoting such welfare may not be charitable, and there are no rules to guide the Court

determining which are and which are not charitable within the legal meaning. It is a well known principle of Equity that where the objects of a private trust are indefinite the trust fails, but a charitable trust will never fail for uncertainty so long as the trust shows a clear intention to devote a property exclusively to charity or charitable purposes or even for such charitable purposes as the trustees may select. I cannot say that the bequest in dispute shows that clear intention, and any argument founded on the testator's general charitable intention would have to proceed on the footing that the object or purpose indicated is charitable according to the law.

The bequest, in my opinion, is one in which it is open to Mr. Bose to apply the money to purposes which may not be charitable in the technical sense of that expressions. If so, the bequest cannot be upheld as a charitable bequest. Under Section 89 of the Indian Succession Act a bequest not expressive of any definite intention is void for uncertainty, and the uncertainty is not diminished by reason of the second part of the bequest which indicates the testator's preference for publicity work. The expression 'India's cause' is also not clear and definite. Does the testator mean only 'the political cause of India? Is India restricted to British India or does it include also the Native States?' The vagueness — of the purpose is not cured by the specification of the locality or the country sought to be benefited. As to publicity work, it can be done in various ways. One of these ways is by subsidising a newspaper. In *Tetley* 11 10: (1923) 1 Ch. 258, Mr. Justice Russell (as he then was) said:

"Subsidising a newspaper for the promotion of particular political or fiscal opinions would be a patriotic purpose in the eyes of those who considered that the triumph of those opinions would be beneficial to the community. It would not be an application of funds for a charitable purpose."

Even if the trust is one which may be operative for the public benefit, the Court can have no means of control or administration over the application of funds when such control or administra-

tion becomes necessary, because there is considerable divergence of opinion as to how best to secure the political uplift of India. The bequest was undoubtedly intended for a public purpose, and as Lord Justice Warrington pointed out in (1923) 1 Ch. 258 at 269, 'one is always sorry when the Court is compelled to hold void a gift made by a testator.' It can, however, only be upheld within the limitation of the law. The word 'charity' has acquired a very narrow and technical meaning and the objection to construing wide expressions as constituting valid charitable trusts is that such construction will be inconsistent with the requirement that the trust shall be capable when necessary, of being administered and controlled by the Court. I cannot therefore hold that the bequest created a valid charitable trust according to the English law, and the law, prevailing in India follows the English law generally in this subject. If it is not good as a charitable trust, the bequest is invalid as it involves a perpetuity. The property comprised in the bequest is in my opinion undisposed of and is therefore distributable among the heirs as on an intestacy.

I would only like to add in conclusion that even though the heirs of the late Mr. Vithalbhai Patel are entitled to the moneys constituting the bequest as on an intestacy, it is for them to consider whether these moneys should not be used for the benefit of India which was uppermost in the mind of the testator till the date of his death.

After the decision of the High Court, the Sardar made a statement on the 16th of March, 1939, in the Press through the Associated Press to the effect that it was the intention of all the heirs of the late Sjt. Vithalbhai Patel not to claim the residue of his estate for their personal benefit or use, and that they had resolved to prepare and publish a scheme for the utilization of the amount of the residue of the estate for the political uplift of India or any other public purpose for the benefit of India. The Sardar was authorized to make that statement for and on behalf of the other heirs of the deceased.

Obviously Subhash could not easily acquiesce in the judg-

ment. He preferred an appeal, which was heard by Chief Justice Sir John Beaumont and Justice Kania. His interests this time were stoutly defended by his brother Sarat Chandra Bose and Mr. Maneksha. The Appeal was dismissed on the 28th of September 1939 with costs, and the decision of the High Court was confirmed by the Appeal Court. Subhash gave up his idea of going to the Privy Council in February 1940.

Pending the full and final settlement of the accounts, my solicitors paid the sum of Rs. 100,000 (rupees one lakh) by cheque drawn in favour of all the heirs to the eldest surviving member of the family, Sardar Vallabhbhai Patel, for and on behalf of all the heirs of Vithalbhahi Patel.

At the meeting of the Working Committee of the Indian National Congress held at Wardha on 11th of October, 1940, Sardar Vallabhbhai addressed a letter to Maulana Abul Kalam Azad, the President of the Congress, announcing his intention to create a Public Trust called the Vithalbhahi Patel Memorial Trust consisting of five Indian leaders and patriots as members of the said trust for the purpose of carrying out the wishes of the deceased. Maulana Azad in his letter, dated the 14th of October, 1940, congratulated the Sardar and all the heirs of the deceased on their having placed the said sum of Rupees one lakh as Public Trust.

The cost of the suit was a charge on the estate. Litigation as usual was a very expensive affair. Unfortunately, in the present instance, due to the fact that eminent Counsel had to be engaged to defend the different interests, the cost incurred was bound to be, and was, very high, and to that extent, the total amount left by Vithalbhahi for the benefit of India, was bound to be depleted. It must, therefore, be noted with feelings of gratitude that Sir Chimanlal Setalvad, who was throughout his political career an opponent of Vithalbhahi in public life accepted only a token fee. He felt that it was his moral duty to support the laudable objective for which the deceased had bequeathed the money, the objective being the political uplift of India.

The resolution for a fitting memorial for Vithalbhahi that was passed as early as December 1933, could not be implemented owing to the intense moral and physical stress and storm the

country had to pass through in the years that followed. The keen interest evinced by the public in the memorial meetings had raised high hopes in the mind of the Committee and it was presumed that the task would be an easy one. Unfortunately, a series of unhappy incidents and circumstances conspired to make it extremely difficult, if not impossible. In the first place, the country was passing through economic and political depression. Secondly, the collection of funds in the earlier stages was not found satisfactory owing to the want of adequate number of public-spirited volunteers on whose enthusiasm and devotion such activities largely depend for success. Then followed disasters like the Bihar earth-quake which obviously demanded high priority. Even when all these difficulties are given their due weight, however, the fact remains that the work was not being done as it could have been done. What happened was this — each one of the very large number of members of the Memorial Committee expected every other member to collect the necessary funds — himself remaining inactive all the time. Even the Bombay Provincial Congress Committee, perhaps on account of the political conditions at the time, was not in a position to function properly. The apparent indifference of the B.P.C.C. was perhaps understandable, but it is difficult to exonerate altogether the Chairman and most of the members of the Memorial Committee, who talked speciously about the Memorial, but actually did precious little to further the cause. It must be admitted that the prospects did appear gloomy till the mysterious mighty hand came to the rescue. It was only his silent unobtrusive hand that made the move take a proper shape.

The Memorial Committee experienced one more serious difficulty, and that was in regard to the selection of a suitable spot for the Memorial. The Committee had decided to raise a full-sized statue of Vithalbhai on the Chowpatty sands, but the then Government was not in a mood to respond to popular wishes. The Collector of Bombay turned down the proposal made by the Municipal Corporation on behalf of the Memorial Committee, and intimated that no more statues would be permitted on the Chowpatty sands. The acceptance of office by the Congress in 1937 revived hopes to a certain extent. The Congress Ministry

was naturally expected to come to the rescue and give the necessary permission to the Bombay Municipality to allow the Committee to raise the national monument to the departed leader. Efforts were made in this direction by the Committee, and preparations for the unveiling of the statue on the Chowpatty sands were speeded up. In fact, the Vithalbhai Patel Memorial Committee was persuaded by its President, Bhulabhai Desai, who was also then the President of the Bombay Provincial Congress Committee, to authorize him to arrange for the co-operation of the Bombay Provincial Congress Committee for the unveiling ceremony of the statue. The Committee, therefore, handed over the amount collected for the purpose to Bhulabhai Desai in the belief that active co-operation and real help of the Congress organisation would result in speedier and more effective realisation of its object which was then understood to be a matter of a few weeks only. But the wheels of Government — even of the National Government — move slowly and before the official order sanctioning the Chowpatty sands as the site for the statue could be issued, the Congress Ministry once again went into the wilderness. Since then, circumstances have so shaped themselves that, for one reason or the other, the matter had had to be delayed for all this long time. The second World War sounded the death-knell of all national aspirations and most of our national leaders were once more behind the prison bars. The epoch-making 1942 movement, whose saga is still sung in every hearth and home, and the partition of our Motherland, with the consequent terrors of suffering to millions of our countrymen on the other side of the border, have made it difficult, if not quite impossible to secure the concentration, either of the leaders or of the general public on a matter like this. But the enthusiasm of the sponsors has not died out. November 10th, 1950, on which day this labour of love sees the light of the day, marks the 17th anniversary of the cremation of Vithalbhai's mortal remains. That will be a *red letter day* in the annals of India, for, on that day, the statue of Vithalbhai will be unveiled, and Vithalbhai will receive public adulation on the sands of the Chowpatty Beach hallowed already by the statue of Lokamanya Tilak, raised there several years ago. Under the canopy of the effulgent moon and the twinkling stars, the monument will

stand forth in silent majesty and immaculate grandeur washed by the bellowing waves of the cool Arabian Sea. Visitors from far and near will look upon this monument for lasting inspiration. His subtle and boundless influence will guide them, by a new vivifying and moulding force, to found new centres of National service, wherein active participation in the National struggle would yet be full of joy for men and women devoted solely to the uplift of their country, and so to hand on to a future generation the living torch of struggle. It will bring home to them that the path of National service and greatness is not soft and smooth, and that it will never remain quite soft and smooth. It is a rose that grows only on a bush covered with thorns, and only to the bravest and the skilfullest is it given to break through the briers of her palace and kiss at last her enchanted lips.

We shall never seek in vain for Vithalbhair's perennial impulse to strike against tyranny and exploitation and to suffer agonies, such as the masses of this country had to face. Now that the rumblings of a Third World War are discernible, now that the National leaders and the people as a whole are engaged in an unrelenting struggle against poverty and want at Home, and against international law-breakers abroad, when songs of praise on the achievements of the departed leaders have to give way to several other pre-occupations for National uplift, Vithalbhair will still remain one of the greatest prophets of Nationalism, the most ardent of patriots and a statesman of the highest order. His words and deeds will echo and re-echo in the hearts of millions of his countrymen and will for ever remain the beacon light in our onward march towards the attainment of our most cherished dreams.

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